



FEDERAL REGISTER

Vol. 77

Wednesday,

No. 60

March 28, 2012

Pages 18671–18898

OFFICE OF THE FEDERAL REGISTER



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

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9 a.m.-12:30 p.m.

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Washington, DC 20002

RESERVATIONS: (202) 741-6008



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DEPARTMENT OF EDUCATION

2 CFR Part 3485

34 CFR Parts 77, 85, 668, and 682

[Docket ID ED-2012-OS-0007]

RIN 1890-AA17

Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

AGENCY: Department of Education.

ACTION: Final regulations and request for technical comments.

SUMMARY: The Secretary of the Department of Education (Department) establishes a new part in 2 CFR that adopts the Office of Management and Budget's (OMB's) guidance, as supplemented by this new part, as the Department's regulations for nonprocurement debarment and suspension. The Secretary removes regulations that contain the Department's current implementation of the Governmentwide common rule on nonprocurement debarment and suspension. The Secretary also amends regulations to correct citations as appropriate. The new part will serve the same purposes as, and is substantively identical to, the nonprocurement suspension and debarment common rule published in the **Federal Register** on November 26, 2003.

On August 31, 2005, OMB established interim final guidance that was substantively identical to the common rule and directed Federal agencies to adopt those guidelines as regulations. On November 15, 2006, OMB published final guidance.

These final regulations adopt the OMB guidance as regulations of the Department. In addition, the Department adds those requirements that describe how the Department implements suspension and debarment

requirements in the context of Title IV of the Higher Education Act of 1965, as amended (HEA). This regulatory action is an administrative simplification that makes no substantive change in the Department's policy or procedures for nonprocurement debarment and suspension. We do not intend any substantive changes to the Department's debarment and suspension regulations. To be sure we achieved that objective, we ask for technical comments about whether the new regulations are substantively different than the existing regulations.

DATES: These final regulations are effective April 27, 2012. In order for us to consider your comments, we must receive them on or before April 27, 2012.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email. To ensure that we do not receive duplicate copies, please submit your comments only one time. In addition, please include the Docket ID and the term "Nonprocurement Debarment and Suspension" at the top of your comments.

- *Federal eRulemaking Portal:* Go to www.regulations.gov to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "How To Use This Site."

- *Postal Mail, Commercial Delivery, or Hand Delivery.* If you mail or deliver your comments about the final regulations, address them to Alfreida Pettiford, U.S. Department of Education, 400 Maryland Avenue SW., Room 7100, Potomac Center Plaza, Washington, DC 20202-2550.

- *Privacy Note:* The Department's policy for comments received from members of the public (including comments submitted by mail, commercial delivery, or hand delivery) is to make these submissions available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available on the Internet.

FOR FURTHER INFORMATION CONTACT:

Alfreida Pettiford, U.S. Department of Education, 400 Maryland Avenue SW., Room 7100, Potomac Center Plaza, Washington, DC 20202-2550. Telephone: (202) 245-6110.

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SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding these final regulations to assist us in complying with the specific requirements of Executive Order 12866 and Executive Order 13563 and their overall requirement of reducing regulatory burden that might result from these final regulations.

During and after the comment period, you may inspect all public comments about this regulatory action by accessing *Regulations.gov*. You may also inspect the public comments in person at the Department of Education, 550 12th Street SW., Room 7100, Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these regulations. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

In 2003, the Department joined with 32 other agencies to revise the nonprocurement debarment and suspension regulations that these agencies had adopted jointly in 1998. See 68 FR 66534 (November 26, 2003). The regulations that the agencies adopted were referred to as "the common rule."

On November 15, 2006, the Office of Management and Budget (OMB) issued final guidance for Governmentwide nonprocurement suspension and debarment (71 FR 66431). This guidance, located in 2 CFR part 180, is substantively the same as the common rule, but is published in a form that each agency can adopt, thus eliminating the need for each agency to publish a separate version of the same rule. The guidance also makes it possible to update Governmentwide requirements without each agency having to re-promulgate its own rules.

The Department's current regulations on nonprocurement debarment and suspension are found in 34 CFR part 85. In accordance with OMB's guidance, these final regulations establish the Department's nonprocurement debarment and suspension regulations in subtitle B of title 2 of the CFR. The new 2 CFR part 3485 adopts the OMB guidelines with the same additions and clarifications that the Department made to the Governmentwide common rule on this subject issued on November 26, 2003 (68 FR 66609). The substance of the Department's nonprocurement debarment and suspension regulations is unchanged.

These final regulations remove 34 CFR part 85 from the CFR, which is the current location for the Department's nonprocurement debarment and suspension regulations. We also amend the definition of EDGAR in 34 CFR part 77 to remove the reference to part 85.

Finally, these final regulations amend 34 CFR parts 668 and 682 to update cross references to the debarment and suspension regulations in 2 CFR parts 180 and 3485.

Waiver of Rulemaking

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department is generally required to publish a notice of proposed rulemaking and provide the public with an opportunity to comment on proposed regulations prior to establishing a final rule.

However, we are waiving the notice-and-comment rulemaking requirements under the APA. Section 553(b) of the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. The Secretary has determined that it is unnecessary to conduct notice-and-comment rulemaking because these regulatory amendments to 2 CFR are an

administrative simplification that do not make substantive changes to the Department's policy or procedures for nonprocurement debarment and suspension. The Department is therefore publishing the revisions as final regulations and not as proposed regulations.

Nonetheless, because we intend the new part to make no changes in current policies and procedures, we specifically invite comments on any unintended changes in substantive content that the new 2 CFR part 3485 would make relative to the November 2003 common rule published by the Department on November 26, 2003 (68 FR 66534, 66609–66615).

If the Department receives comments that result in any changes to the final regulation, we will make timely publication of those changes in the **Federal Register**.

Adoption of OMB Guidance

We add § 3485.12 to adopt the OMB guidance on suspension and debarment. Section 3485.12(a) adopts subparts A through I of the guidance in 2 CFR part 180 as a regulation of the Department.

The Department's current debarment and suspension regulations in 34 CFR part 85 contain additional requirements that must be met to make debarment and suspension actions taken by the Department or other agencies apply to participants in the programs authorized under title IV of the HEA. These final regulations place those same modifications in 2 CFR part 3485 so that debarment and suspension actions can be applied to participants in title IV HEA programs. In each section of these final regulations that adopt a requirement in the OMB guidance that must be modified, the section restates the standard OMB guidance and adds one or more paragraphs that contain the needed changes.

General Education Provisions Act Requirements

Section 437(b) of the General Education Provisions Act (GEPA) requires that immediately following each substantive provision of the Department's regulations, the Department must provide the citations to the particular section or sections of statutory law or other legal authority on which that provision is based. The substantive provision in these final regulations that adopts the guidance in 2 CFR part 180 is 2 CFR 3485.12. Because the authority citations for all of the sections adopted by the Department are the same, the Department provides the authority citation for all of the adopted guidance in paragraph (d) of

§ 3485.12. Other sections in part 3485 that supplement the guidance in part 180 or relate to the effectiveness of debarment and suspension actions against participants in the title IV, HEA programs list the authority citations for those sections at the end of each of those sections.

Executive Orders 12866 and 13563

OMB has determined these regulations to be a non-significant regulatory action for the purposes of Executive Order 12866. We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions. Finally, we have reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. In accordance with both Executive orders, the Department has assessed the potential costs and benefits of this regulatory action. As this regulatory action is a recodification of existing regulations without substantive change, the potential costs associated with this regulatory action are only those that result from existing statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Regulatory Flexibility Act Certification

The Secretary certifies that this regulatory action will not have a significant adverse impact on a substantial number of small entities. The Secretary makes this certification because the action recodifies existing regulations without substantive change.

Paperwork Reduction Act of 1995

This regulatory action will not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. 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.

Assessment of Educational Impact

In accordance with section 444 of the General Education Provisions Act (GEPA), 20 U.S.C. 1221e–4, when the

Department published the notice of proposed rulemaking for the debarment and suspension common rule on January 23, 2002 (67 FR 3272 and 3328), we requested comments on whether those proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

We did not receive any comments in response to that request and, based on our own review, have determined that these final regulations do not require such a transmission of information.

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(Catalog of Federal Domestic Assistance Number does not apply.)

List of Subjects

2 CFR Part 3485

Administrative practice and procedure, Debarment and suspension, Grant programs, Loan programs, Reporting and recordkeeping requirements.

34 CFR Part 77

Definitions, Education Department, Grant programs—education.

34 CFR Part 85

Administrative practice and procedure, Debarment and suspension, Drug abuse, Grant programs, Loan programs, Reporting and recordkeeping requirements.

34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Student aid.

34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: March 22, 2012.

Arne Duncan,
Secretary of Education.

For the reasons discussed in the preamble, under the authority of 20 U.S.C. 1221e–3 and 3474, the Secretary amends Title 2, subtitle B, and Title 34, parts 77, 85, 668, and 682 of the Code of Federal Regulations as follows:

Title 2—Grants and Agreements

- 1. Add Chapter XXXIV, consisting of part 3485, to Subtitle B of Title 2 to read as follows:

Chapter XXXIV—Department of Education

PART 3485—NONPROCUREMENT DEBARMENT AND SUSPENSION

- 3485.12 What does this part do?
3485.22 Does this part apply to me?
3485.32 What policies and procedures must I follow?

Subpart A—General

- 3485.137 May the Department grant an exception to let an excluded person participate in a covered transaction?

Subpart B—Covered Transactions

- 3485.220 Are any procurement contracts included as covered transactions?

Subpart C—Responsibilities of Participants Regarding Transactions

- 3485.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?
3485.315 May I use the services of an excluded person as a principal under a covered transaction?
3485.330 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

Subpart D—Responsibilities of the Department's Officials Regarding Transactions

- 3485.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?
3485.437 What method do I use to communicate to a participant the requirements described in § 180.435 of this title?

Subpart E—[Reserved]

Subpart F—General Principles Relating to Suspension and Debarment Actions

- 3485.611 What procedures do we use for a suspension or debarment action involving title IV, HEA transactions?

- 3485.612 When does an exclusion by another agency affect the ability of the excluded person to participate in a title IV, HEA transaction?

Subpart G—Suspension

- 3485.711 When does a suspension affect title IV, HEA transactions?

Subpart H—Debarment

- 3485.811 When does a debarment affect title IV, HEA transactions?

Subpart I—Definitions

- 3485.937 ED Deciding Official.
3485.952 HEA.
3485.995 Principal.
3485.1016 Title IV, HEA participant.
3485.1017 Title IV, HEA program.
3485.1018 Title IV, HEA transaction.

Subpart J—[Reserved]

- Appendix A to Part 3485—Covered Transactions

Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474, unless otherwise noted.

§ 3485.12 What does this part do?

(a)(1) The Department of Education (the “Department” or “ED”) adopts subparts A through I of the Office of Management and Budget guidance in 2 CFR part 180. Thus, this part gives regulatory effect to the OMB guidance and supplements the guidance as needed for the Department. This part satisfies the requirements in section 3 of Executive Order 12549, “Debarment and Suspension” (3 CFR part 1986 Comp., p. 189), Executive Order 12689, “Debarment and Suspension” (3 CFR part 1989 Comp., p. 235) and 31 U.S.C. 6101 note (Section 2455, Pub. L. 103–355, 108 Stat. 3327).

(2) The table of contents for this part contains only those sections in part 3485 that include supplements to the guidance in part 180 and new sections needed to implement the guidance for the Department’s programs. In those sections of the OMB guidance that are supplemented, the section in part 3485 includes both the text of the OMB guidance that is not affected by the change and any additional paragraphs that need to be added to the OMB guidance. For example, § 180.220 of this title contains only paragraphs (a) and (b). The text of § 3485.220, which supplements § 180.220 to extend lower-tier transactions to certain transactions below the primary tier, includes both the text of paragraph (a) and (b) of § 180.220 and the text of added paragraph (c).

(3) In those sections in part 180 that do not have paragraph designations and that the Department supplements, the

section in this part implementing the OMB guidance designates the undesignated paragraph from part 180 as paragraph (a) and the first supplemental paragraph as paragraph (b). For example, 2 CFR 180.330 includes an undesignated lead in paragraph and two subparagraphs designated (a) and (b). In § 3485.330, the undesignated paragraph in 2 CFR 180.330 is designated paragraph (a) and the two subparagraphs are designated paragraphs (1) and (2). The added paragraphs are designated paragraph (b) and (c).

(b) The authority for all the provisions in 2 CFR part 180 as adopted in this part is listed as follows.

Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474, unless otherwise noted.)

§ 3485.22 Does this part apply to me?

This part applies to you if you are—

(a) A participant or principal in a “covered transaction” (see subpart B of this part and the definition of “nonprocurement transaction” in § 180.970 of this title).

(b) A respondent in a suspension or debarment action of the Department.

(c) An ED deciding official; or

(d) An ED officer authorized to enter into any type of nonprocurement transaction that is a covered transaction.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

§ 3485.32 What policies and procedures must I follow?

The Department’s policies and procedures that you must follow are the policies and procedures specified in this part and in Subparts A through I of 2 CFR part 180. The contracts that are covered transactions, for example, are specified in § 3485.220. Section 180.205 of this title does not require supplementation, so it is not included in the table of contents for this part and is not separately stated in this part.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

Subpart A—General

§ 3485.137 May the Department grant an exception to let an excluded person participate in a covered transaction?

(a) Yes, the Secretary delegates to the ED Deciding Official the authority under this section to grant an exception permitting an excluded person to participate in a particular covered transaction.

(b) If the ED Deciding Official grants an exception, the exception must be in writing and state the reason(s) for deviating from the Governmentwide policy in Executive Order 12549.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

Subpart B—Covered Transactions

§ 3485.220 Are any procurement contracts included as covered transactions?

(a) Covered transactions under this part—

(1) Do not include any procurement contracts awarded directly by a Federal agency; but

(2) Do include some procurement contracts awarded by non-Federal participants in nonprocurement covered transactions.

(b) Specifically, a contract for goods or services is a covered transaction if any of the following applies:

(1) The contract is awarded by a participant in a nonprocurement transaction that is covered under § 180.210 of this title, and the amount of the contract is expected to equal or exceed \$25,000.

(2) The contract requires the consent of an official of a Federal agency. In that case, the contract, regardless of the amount, always is a covered transaction, and it does not matter who awarded it. For example, it could be a subcontract awarded by a contractor at a tier below a nonprocurement transaction, as shown in the Appendix To Part 3485—Covered Transactions.

(3) The contract is for Federally-required audit services.

(4) The contract is to perform services as a third party servicer in connection with a title IV, HEA program.

(c) In addition to the contracts covered under 2 CFR 180.220(b) of the OMB guidance, this part applies to any contract, regardless of tier, that is awarded by a contractor, subcontractor, supplier, consultant, or its agent or representative in any transaction, if the contract is to be funded or provided by ED under a covered nonprocurement transaction and the amount of the contract is expected to equal or exceed

\$25,000. This extends the coverage of the ED nonprocurement suspension and debarment requirements to all lower tiers of subcontracts under covered nonprocurement transactions, as permitted under the OMB guidance at 2 CFR 180.220(c) (see optional lower tier coverage in the figure in Appendix A to Part 3485—Covered Transactions).

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

Subpart C—Responsibilities of Participants Regarding Transactions

§ 3485.310 What must I do if a Federal agency excludes a person with whom I am already doing business in a covered transaction?

(a) You as a participant may continue covered transactions with an excluded person if the transactions were in existence when the agency excluded the person. However, you are not required to continue the transactions, and you may consider termination. You should make a decision about whether to terminate and the type of termination action, if any, only after a thorough review to ensure that the action is proper and appropriate.

(b) You may not renew or extend covered transactions (other than no-cost time extensions) with any excluded person, unless another Federal agency responsible for the transaction grants an exception under § 180.135 of this title or ED grants an exception under § 3485.137.

(c) If you are a title IV, HEA participant, you may not continue a title IV, HEA transaction with an excluded person after the effective date of the exclusion unless permitted by 34 CFR 668.26, 682.702, or 668.94, as applicable.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

§ 3485.315 May I use the services of an excluded person as a principal under a covered transaction?

(a) You as a participant may continue to use the services of an excluded person as a principal under a covered transaction if you were using the services of that person in the transaction before the person was excluded. However, you are not required to continue using that person’s services as a principal. You should make a decision about whether to discontinue that person’s services only after a thorough

review to ensure that the action is proper and appropriate.

(b) You may not begin to use the services of an excluded person as a principal under a covered transaction unless another Federal agency responsible for the transaction grants an exception under § 180.135 of this title or, if ED took the action, an ED deciding official grants an exception under § 3485.137.

(c) If you are a title IV, HEA participant—

(1) You may not renew or extend the term of any contract or agreement for the services of an excluded person as a principal with respect to a title IV, HEA transaction; and

(2) You may not continue to use the services of that excluded person as a principal under this kind of an agreement or arrangement more than 90 days after you learn of the exclusion or after the close of the Federal fiscal year in which the exclusion takes effect, whichever is later.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

§ 3485.330 What methods must I use to pass requirements down to participants at lower tiers with whom I intend to do business?

(a) Before entering into a covered transaction with a participant at the next lower tier, you must require that participant to—

(1) Comply with this subpart as a condition of participation in the transaction. You must do so using the method specified in paragraph (b) of this section; and

(2) Pass the requirement to comply with this subpart to each person with whom the participant enters into a covered transaction at the next lower tier.

(b) To communicate the requirements in this part to a participant, you must include a term or condition in the transaction that requires the participant's compliance with part 180, subpart C, of this title, as adopted at § 3485.12, and requires the participant to include a similar term or condition in lower-tier covered transactions.

(c) The failure of a participant to include a requirement to comply with Subpart C of 2 CFR part 180 in the agreement with a lower tier participant does not affect the lower tier participant's responsibilities under this part.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat.

3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

Subpart D—Responsibilities of the Department's Officials Regarding Transactions

§ 3485.415 What must I do if a Federal agency excludes the participant or a principal after I enter into a covered transaction?

(a) You as a Federal agency official may continue covered transactions with an excluded person, or under which an excluded person is a principal, if the transactions were in existence when the person was excluded. You are not required to continue the transactions, however, and you may consider termination. You should make a decision about whether to terminate and the type of termination action, if any, only after a thorough review to ensure that the action is proper.

(b) You may not renew or extend covered transactions (other than no-cost time extensions) with any excluded person, or under which an excluded person is a principal, unless you obtain an exception under § 3485.137.

(c) *Title IV, HEA transactions.* If you are a title IV, HEA participant—

(1) You may not renew or extend the term of any contract or agreement for the services of an excluded person as a principal with respect to a title IV, HEA transaction; and

(2) You may not continue to use the services of that excluded person as a principal under this kind of an agreement or arrangement more than 90 days after you learn of the exclusion or after the close of the Federal fiscal year in which the exclusion takes effect, whichever is later.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

§ 3485.437 What method do I use to communicate to a participant the requirements described in § 180.435 of this title?

To communicate the requirements in this part to a participant, you must include a term or condition in the transaction that requires the participant's compliance with part 180, subpart C, of this title, as adopted at § 3485.12 and requires the participant to include a similar term or condition in lower-tier covered transactions.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

Subpart E—[Reserved]

Subpart F—General Principles Relating to Suspension and Debarment Actions

§ 3485.611 What procedures do we use for a suspension or debarment action involving a title IV, HEA transaction?

(a) If we suspend a title IV, HEA participant under Executive Order 12549, we use the following procedures to ensure that the suspension prevents participation in title IV, HEA transactions:

(1) The notification procedures in § 180.715 of this title.

(2) Instead of the procedures in §§ 180.720 through 180.760 of this title, the procedures in 34 CFR part 668, subpart G, or 34 CFR part 682, subpart D or G, as applicable.

(3) In addition to the findings and conclusions required by 34 CFR part 668, subpart G, or 34 CFR part 682, subpart D or G, the suspending official, and, on appeal, the Secretary determines whether there is sufficient cause for suspension as explained in § 180.700 of this title.

(b) If we debar a title IV, HEA participant under E.O. 12549, we use the following procedures to ensure that the debarment also precludes participation in title IV, HEA transactions:

(1) The notification procedures in §§ 180.805 and 180.870 of this title.

(2) Instead of the procedures in §§ 180.810 through 180.885 of this title, the procedures in 34 CFR part 668, subpart G, or 34 CFR part 682, subpart D or G, as applicable.

(3) On appeal from a decision debarring a title IV, HEA participant, we issue a final decision after we receive any written materials from the parties.

(4) In addition to the findings and conclusions required by 34 CFR part 668, subpart G, or 34 CFR part 682, subpart D or G, the debarring official, and, on appeal, the Secretary determines whether there is sufficient cause for debarment as explained in § 180.800 of this title.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

§ 3485.612 When does an exclusion by another agency affect the ability of the excluded person to participate in a title IV, HEA transaction?

(a) If a title IV, HEA participant is debarred by another agency under E.O. 12549, using procedures described in paragraph (d) of this section, that party is not eligible to enter into title IV, HEA

transactions for the duration of the debarment.

(b)(1) If a title IV, HEA participant is suspended by another agency under E.O. 12549 or under a proposed debarment under the Federal Acquisition Regulation (FAR) (48 CFR part 9, subpart 9.4), using procedures described in paragraph (d) of this section, that party is not eligible to enter into title IV, HEA transactions for the duration of the suspension.

(2)(i) The suspension of title IV, HEA eligibility as a result of suspension by another agency lasts for at least 60 days.

(ii) If the excluded party does not object to the suspension, the 60-day period begins on the 35th day after that agency issues the notice of suspension.

(iii) If the excluded party objects to the suspension, the 60-day period begins on the date of the decision of the suspending official.

(3) The suspension of title IV, HEA eligibility does not end on the 60th day if—

(i) The excluded party agrees to an extension; or

(ii) Before the 60th day we begin a limitation or termination proceeding against the excluded party under 34 CFR part 668, subpart G, or part 682, subpart D or G.

(c)(1) If a title IV, HEA participant is debarred or suspended by another Federal agency—

(i) We notify the participant whether the debarment or suspension prohibits participation in title IV, HEA transactions; and

(ii) If participation is prohibited, we state the effective date and duration of the prohibition.

(2) If a debarment or suspension by another agency prohibits participation in title IV, HEA transactions, that prohibition takes effect 20 days after we mail notice of our action.

(3) If the Department or another Federal agency suspends a title IV, HEA participant, we determine whether grounds exist for an emergency action against the participant under 34 CFR part 668, subpart G, or part 682, subpart D or G, as applicable.

(4) We use the procedures in § 3485.611 to exclude a title IV, HEA participant excluded by another Federal agency using procedures that did not meet the standards in paragraph (d) of this section.

(d) If a title IV, HEA participant is excluded by another agency, we debar, terminate, or suspend the participant— as provided under this part, 34 CFR part 668, or 34 CFR part 682, as applicable— if that agency followed procedures that gave the excluded party—

(1) Notice of the proposed action;

(2) An opportunity to submit and have considered evidence and argument to oppose the proposed action;

(3) An opportunity to present its objection at a hearing—

(i) At which the agency has the burden of persuasion by a preponderance of the evidence that there is cause for the exclusion; and

(ii) Conducted by an impartial person who does not also exercise prosecutorial or investigative responsibilities with respect to the exclusion action;

(4) An opportunity to present witness testimony, unless the hearing official finds that there is no genuine dispute about a material fact;

(5) An opportunity to have agency witnesses with personal knowledge of material facts in genuine dispute testify about those facts, if the hearing official determines their testimony to be needed, in light of other available evidence and witnesses; and

(6) A written decision stating findings of fact and conclusions of law on which the decision is rendered.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

Subpart G—Suspension

§ 3485.711 When does a suspension affect title IV, HEA transactions?

(a) A suspension under § 3485.611(a) takes effect immediately if the Secretary takes an emergency action under 34 CFR part 668, subpart G, or 34 CFR part 682, subpart D or G, at the same time the Secretary issues the suspension.

(b)(1) Except as provided under paragraph (a) of this section, a suspension under § 3485.611(a) takes effect 20 days after those procedures are complete.

(2) If the respondent appeals the suspension to the Secretary before the expiration of the 20 days under paragraph (b)(1) of this section, the suspension takes effect when the respondent receives the Secretary's decision.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

Subpart H—Debarment

§ 3485.811 When does a debarment affect title IV, HEA transactions?

(a) A debarment under § 3485.611(b) takes effect 30 days after those procedures are complete.

(b) If the respondent appeals the debarment to the Secretary before the

expiration of the 30 days under paragraph (a) of this section, the debarment takes effect when the respondent receives the Secretary's decision.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

Subpart I—Definitions

§ 3485.937 ED Deciding Official.

The ED Deciding Official is an officer of the Department who has delegated authority under the procedures of the Department of Education to decide whether to affirm a suspension or enter a debarment.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

§ 3485.952 HEA.

HEA means the Higher Education Act of 1965, as amended.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e–3, and 3474)

§ 3485.995 Principal.

Principal means—

(a) An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or

(b) A consultant or other person, whether or not employed by the participant or paid with Federal funds, who—

(1) Is in a position to handle Federal funds;

(2) Is in a position to influence or control the use of those funds; or

(3) Occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction.

(c) For the purposes of Department of Education title IV, HEA transactions—

(1) A third-party servicer, as defined in 34 CFR 668.2 or 682.200; or

(2) Any person who provides services described in 34 CFR 668.2 or 682.200 to a title IV, HEA participant, whether or not that person is retained or paid directly by the title IV, HEA participant.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p. 189); E.O. 12689 (3 CFR 1989 Comp., p. 235); sec. 2455, Pub. L. 103–355, 108 Stat.

3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

§ 3485.1016 Title IV, HEA participant.

A title IV, HEA participant is—

(a) An institution described in 34 CFR 600.4, 600.5, or 600.6 that provides postsecondary education; or

(b) A lender, third-party servicer, or guaranty agency, as those terms are defined in 34 CFR 668.2 or 682.200.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p.189); E.O. 12689 (3 CFR 1989 Comp., p.235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

§ 3485.1017 Title IV, HEA program.

A title IV, HEA program includes any program listed in 34 CFR 668.1(c).

(Authority: E.O. 12549 (3 CFR 1986 Comp., p.189); E.O. 12689 (3 CFR 1989 Comp., p.235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

§ 3485.1018 Title IV, HEA transaction.

A title IV, HEA transaction includes—

(a) A disbursement or delivery of funds provided under a title IV, HEA program to a student or borrower;

(b) A certification by an educational institution of eligibility for a loan under a title IV, HEA program;

(c) Guaranteeing a loan made under a title IV, HEA program; and

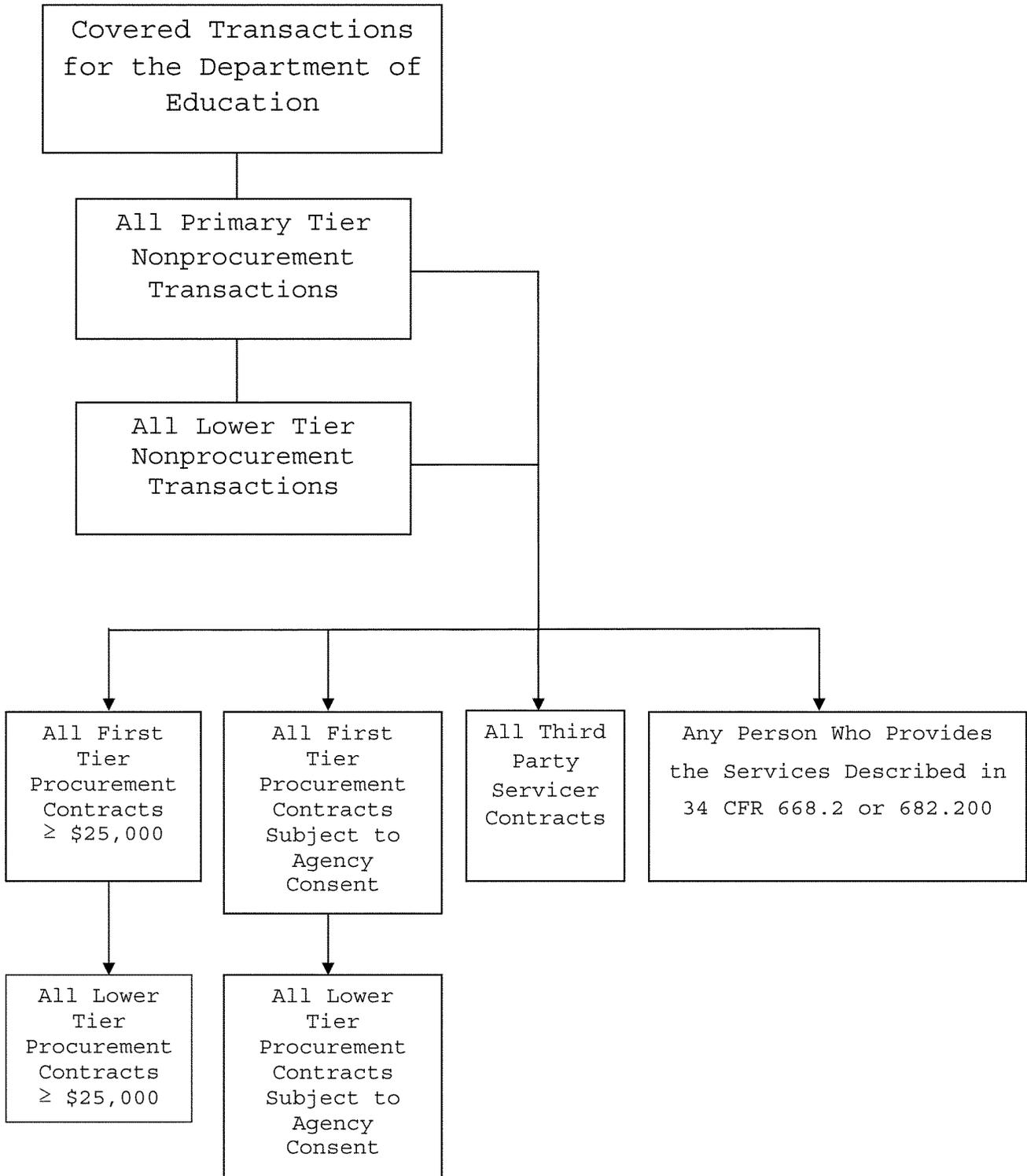
(d) The acquisition or exercise of any servicing responsibility for a grant, loan, or work study assistance under a title IV, HEA program.

(Authority: E.O. 12549 (3 CFR 1986 Comp., p.189); E.O. 12689 (3 CFR 1989 Comp., p.235); sec. 2455, Pub. L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note); 20 U.S.C. 1082, 1094, 1221e-3, and 3474)

Subpart J—[Reserved]

BILLING CODE 4000-01-P

Appendix A to Part 3485--Covered Transactions



Title 34—Education**PART 77—DEFINITIONS THAT APPLY TO DEPARTMENT REGULATIONS**

- 2. The authority citation for *part 77* is added to read as follows:

Authority: 20 U.S.C. 1221e–3, 2831(a), 2974(b), and 3474.

- 3. Section 77.1(c) is amended by revising the definition of “EDGAR” to read as follows:

§ 77.1 Definitions that apply to all Department programs.

* * * * *

(c) * * *

EDGAR means the Education Department General Administrative Regulations (34 CFR parts 74, 75, 76, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99).

* * * * *

PART 85—[REMOVED]

- 4. Remove 34 CFR part 85.

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

- 5. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1001, 1002, 1003, 1070g, 1085, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, unless otherwise noted.

- 6. Section 668.16 is amended by revising paragraph (k) to read as follows:

§ 668.16 Standards of administrative capability.

* * * * *

(k) Is not, and does not have any principal or affiliate of the institution (as those terms are defined in 2 CFR parts 180 and 3485) that is—

(1) Debarred or suspended under Executive Order 12549 (3 CFR, 1986 Comp., p. 189) or the Federal Acquisition Regulations (FAR), 48 CFR part 9, subpart 9.4; or

(2) Engaging in any activity that is a cause under 2 CFR 180.700 or 180.800, as adopted at 2 CFR 3485.12, for debarment or suspension under E.O. 12549 (3 CFR, 1986 Comp., p. 189) or the FAR, 48 CFR part 9, subpart 9.4;

* * * * *

§ 668.82 [Amended]

- 7. Section 668.82 is amended by:

■ a. In paragraph (e)(1)(i)(B), removing the words “Cause exists under 34 CFR 85.700 or 85.800” and adding, in their place, the words “Cause exists under 2 CFR 180.700 or 180.800, as both those sections are adopted at 2 CFR 3485.12,”.

■ b. In paragraph (f)(1) introductory text, removing the words “under procedures described in 34 CFR

85.612(d)” and adding, in their place, the words “under the procedures described in 2 CFR 3485.612(d)”.

■ c. In paragraph (f)(2)(i) introductory text, removing the words “under procedures described in 34 CFR 85.612(d)” and, adding in their place, the words “under the procedures described in 2 CFR 3485.612(d)”.

■ d. In paragraph (f)(2)(ii) introductory text, removing the words “under 34 CFR 85.201(b)” and adding, in their place, “under 2 CFR 3485.612(c)”.

PART 682—FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAM

- 8. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

§ 682.200 [Amended]

- 9. In § 682.200, paragraph (b), the definition of “Lender” is amended by:

■ a. In paragraph (6)(i), removing the words “(as those terms are defined in 34 CFR part 85)” and adding, in their place, the words “(as those terms are defined in 2 CFR parts 180 and 3485)”.

■ b. In paragraph (6)(ii), removing the words “as defined in 34 CFR part 85” and adding, in their place, the words “as defined in 2 CFR parts 180 and 3485”.

§ 682.416 [Amended]

- 10. Section 682.416(d)(1)(ii)(B) is amended by removing the words “cause under 34 CFR 85.700 or 85.800” and adding, in their place, the words “cause under 2 CFR 180.700 or 180.800, as those sections are adopted at 2 CFR 3485.12”.

§ 682.706 [Amended]

- 11. Section 682.706(b)(7) is amended by removing the words “meet the standards described in 34 CFR 85.201(c)” and adding, in their place, the words “meet the standards described in 2 CFR 3485.612(d)”.

[FR Doc. 2012–7358 Filed 3–27–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 97**

[Docket No. 30834; Amdt. No. 3471]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective March 28, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2012.

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

For Examination—

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

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

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

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

*Availability—*All SIAPs are available online free of charge. Visit nfdc.faa.gov

to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

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

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

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

and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

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

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

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

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a

“significant rule” under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on March 16, 2012.

John McGraw,
Deputy Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

* * * *Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
5-Apr-12	KY	Covington	Cincinnati/Northern Kentucky Intl.	2/2955	3/7/12	This NOTAM, published in TL 12-08, is hereby rescinded in its entirety.
5-Apr-12	MN	Duluth	Duluth Intl	2/6445	3/7/12	This NOTAM, published in TL 12-08, is hereby rescinded in its entirety.
3-May-12	NJ	Newark	Newark Liberty Intl	2/1693	3/12/12	RNAV (RNP) Y RWY 22L, Orig-E.
3-May-12	FL	Immokalee	Immokalee Rgnl	2/1894	3/1/12	VOR RWY 18, Amdt 6.
3-May-12	FL	Immokalee	Immokalee Rgnl	2/1895	3/1/12	RNAV (GPS) RWY 27, Orig.
3-May-12	FL	Immokalee	Immokalee Rgnl	2/1899	3/1/12	RNAV (GPS) RWY 9, Orig.
3-May-12	FL	Immokalee	Immokalee Rgnl	2/1900	3/1/12	RNAV (GPS) RWY 18, Orig.
3-May-12	FL	Immokalee	Immokalee Rgnl	2/1901	3/1/12	RNAV (GPS) RWY 36, Orig.
3-May-12	KS	Independence	Independence Muni	2/2874	3/1/12	ILS OR LOC RWY 35, Amdt 1A.
3-May-12	NE	Lincoln	Lincoln	2/7132	3/12/12	RNAV (GPS) RWY 14, Orig-A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
3-May-12	ME	Norridgewock	Central Maine Arpt of Norridgewock.	2/7495	3/12/12	GPS RWY 3, Orig.
3-May-12	ME	Norridgewock	Central Maine Arpt of Norridgewock.	2/7496	3/12/12	GPS RWY 15, Orig.
3-May-12	ME	Norridgewock	Central Maine Arpt of Norridgewock.	2/7497	3/12/12	VOR/DME RWY 3, Amdt 2.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8225	3/1/12	ILS OR LOC RWY 31, Amdt 25.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8276	3/1/12	RNAV (GPS) RWY 13, Orig.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8295	3/1/12	VOR OR TACAN RWY 31, Amdt 26A.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8297	3/1/12	RNAV (GPS) RWY 17, Orig.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8304	3/1/12	NDB RWY 13, Amdt 15D.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8342	3/1/12	NDB RWY 31, Amdt 23B.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8384	3/1/12	NDB RWY 35, Orig-B.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8395	3/1/12	VOR/DME OR TACAN RWY 13, Amdt 18.
3-May-12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8404	3/1/12	RNAV (GPS) RWY 31, Orig.
3-May-12	NM	Albuquerque	Albuquerque Intl Sunport	2/9631	3/1/12	RADAR-1, Amdt 20C.
3-May-12	TN	Chattanooga	Chattanooga/Lovel Field ..	2/9729	3/12/12	ILS OR LOC RWY 20, ILS RWY 20 (CAT II), Amdt 36.

[FR Doc. 2012-7221 Filed 3-27-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30833; Amdt. No. 3470]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective March 28, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 28, 2012.

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>.

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPs, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, and 8260-15B when required by an entry on 8260-15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and

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

The Rule

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

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

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a

“significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on March 16, 2012.

John McGraw,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 3 MAY 2012

Oakland, CA, Metropolitan Oakland Intl, RNAV (RNP) Z RWY 29, Orig-B
 Santa Maria, CA, Santa Maria Pub/Capt G Allan Hancock Fld, RNAV (GPS) RWY 12, Amdt 1
 Santa Maria, CA, Santa Maria Pub/Capt G Allan Hancock Fld, Takeoff Minimums and Obstacle DP, Amdt 6
 Santa Maria, CA, Santa Maria Pub/Capt G Allan Hancock Fld, VOR RWY 12, Amdt 15
 Pocatello, ID, Pocatello Rgnl, VOR RWY 3, Amdt 17
 Monticello, KY, Wayne County, Takeoff Minimums and Obstacle DP, Amdt 2
 Jackson, MI, Jackson County-Reynolds Field, RNAV (GPS) RWY 14, Amdt 1
 Jackson, MI, Jackson County-Reynolds Field, RNAV (GPS) RWY 32, Orig-A
 Austin, MN, Austin Muni, ILS OR LOC RWY 35, Amdt 1
 Austin, MN, Austin Muni, RNAV (GPS) RWY 35, Amdt 1
 Marshall, MN, Southwest Minnesota Rgnl Marshall/Ryan Fld, RNAV (GPS) RWY 12, Amdt 1

Marshall, MN, Southwest Minnesota Rgnl Marshall/Ryan Fld, RNAV (GPS) RWY 30, Orig-A
 Minneapolis, MN, Airlake, RNAV (GPS) RWY 30, Orig
 Kansas City, MO, Charles B. Wheeler Downtown, ILS OR LOC RWY 3, Amdt 3
 Kansas City, MO, Charles B. Wheeler Downtown, RNAV (GPS) RWY 3, Amdt 1
 Kansas City, MO, Charles B. Wheeler Downtown, RNAV (GPS) RWY 21, Amdt 1
 Kansas City, MO, Charles B. Wheeler Downtown, VOR RWY 3, Amdt 18
 Kansas City, MO, Charles B. Wheeler Downtown, VOR RWY 21, Amdt 14
 Lee's Summit, MO, Lee's Summit Muni, RNAV (GPS) RWY 11, Amdt 1
 Lee's Summit, MO, Lee's Summit Muni, RNAV (GPS) RWY 18, Amdt 2
 Lee's Summit, MO, Lee's Summit Muni, RNAV (GPS) RWY 29, Amdt 2
 Lee's Summit, MO, Lee's Summit Muni, RNAV (GPS) RWY 36, Amdt 2
 Erwin, NC, Harnett Rgnl Jetport, RNAV (GPS) RWY 5, Amdt 2B
 Atkinson, NE., Stuart-Atkinson Muni, GPS RWY 29, Orig, CANCELLED
 Atkinson, NE., Stuart-Atkinson Muni, RNAV (GPS) RWY 11, Orig
 Atkinson, NE., Stuart-Atkinson Muni, RNAV (GPS) RWY 29, Orig
 Atkinson, NE., Stuart-Atkinson Muni, Takeoff Minimums and Obstacle DP, Amdt 1
 Atkinson, NE., Stuart-Atkinson Muni, VOR/DME RWY 29, Amdt 1
 Kearney, NE., Kearney Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
 Mount Holly, NJ, South Jersey Rgnl, VOR RWY 26, Amdt 3
 Newark, NJ, Newark Liberty Intl, ILS OR LOC RWY 22R, Amdt 5B
 Poughkeepsie, NY, Dutchess County, VOR/DME RWY 6, Amdt 7
 Batavia, OH, Clermont County, RNAV (GPS) RWY 4, Amdt 1
 Batavia, OH, Clermont County, RNAV (GPS) RWY 22, Amdt 1
 Batavia, OH, Clermont County, Takeoff Minimums and Obstacle DP, Orig
 Bellefontaine, OH, Bellefontaine Rgnl, RNAV (GPS) RWY 7, Amdt 1
 Bellefontaine, OH, Bellefontaine Rgnl, RNAV (GPS) RWY 25, Amdt 1
 Marysville, OH, Union County, GPS RWY 9, Orig-B, CANCELLED
 Marysville, OH, Union County, GPS RWY 27, Orig-B, CANCELLED
 Marysville, OH, Union County, RNAV (GPS) RWY 9, Orig
 Marysville, OH, Union County, RNAV (GPS) RWY 27, Orig
 Ardmore, OK, Ardmore Downtown Executive, VOR-A, Amdt 13A, CANCELLED
 Kerrville, TX, Kerrville Muni/Louis Schreiner Field, VOR-A, Amdt 3A

Effective 31 MAY 2012

Deadhorse, AK, Deadhorse, RNAV (GPS) RWY 6, Orig
 Deadhorse, AK, Deadhorse, RNAV (GPS) RWY 24, Orig
 Deadhorse, AK, Deadhorse, Takeoff Minimums and Obstacle DP, Amdt 2

- Marshall, AK, Marshall Don Hunter Sr, RNAV (GPS) RWY 7, Amdt 2
- Marshall, AK, Marshall Don Hunter Sr, RNAV (GPS)-A, Amdt 2
- Mountain Village, AK, Mountain Village, RNAV (GPS) RWY 2, Amdt 1
- Mountain Village, AK, Mountain Village, RNAV (GPS) RWY 20, Amdt 1
- Scammon Bay, AK, Scammon Bay, RNAV (GPS) RWY 28, Amdt 1
- Oneonta, AL, Robbins Field, RNAV (GPS) RWY 5, Orig
- Oneonta, AL, Robbins Field, RNAV (GPS) RWY 23, Orig
- Oneonta, AL, Robbins Field, Takeoff Minimums and Obstacle DP, Orig
- Camden, AR, Harrell Field, RNAV (GPS) RWY 1, Amdt 1
- Camden, AR, Harrell Field, RNAV (GPS) RWY 19, Amdt 1
- Camden, AR, Harrell Field, Takeoff Minimums and Obstacle DP, Amdt 1
- Camden, AR, Harrell Field, VOR/DME RWY 1, Amdt 10
- Lake Havasu City, AZ, Lake Havasu City, Takeoff Minimums and Obstacle DP, Amdt 2
- Lake Havasu City, AZ, Lake Havasu City, VOR/DME-A, Amdt 1
- Sacramento, CA, Sacramento Intl, ILS OR LOC RWY 16L, Amdt 2
- Sacramento, CA, Sacramento Intl, ILS OR LOC RWY 16R, ILS RWY 16R (SA CAT I), ILS RWY 16R (CAT II), ILS RWY 16R (CAT III), Amdt 15
- Sacramento, CA, Sacramento Intl, RNAV (GPS) Y RWY 16L, Amdt 1
- Sacramento, CA, Sacramento Intl, RNAV (GPS) Y RWY 16R, Amdt 1
- Denver, CO, Centennial, Takeoff Minimums and Obstacle DP, Amdt 5
- Denver, CO, Denver Intl, ILS OR LOC RWY 7, Amdt 3
- Denver, CO, Denver Intl, ILS OR LOC RWY 8, Amdt 5
- Denver, CO, Denver Intl, ILS OR LOC RWY 16L, Amdt 3
- Denver, CO, Denver Intl, ILS OR LOC RWY 16R, Amdt 1
- Denver, CO, Denver Intl, ILS OR LOC RWY 17L, Amdt 4
- Denver, CO, Denver Intl, ILS OR LOC RWY 17R, Amdt 3
- Denver, CO, Denver Intl, ILS OR LOC RWY 25, Amdt 3
- Denver, CO, Denver Intl, ILS OR LOC RWY 26, Amdt 3
- Denver, CO, Denver Intl, ILS OR LOC RWY 34L, ILS RWY 34L (CAT II), ILS RWY 34L (CAT III), ILS RWY 34L (SA CAT I), Amdt 2
- Denver, CO, Denver Intl, ILS OR LOC RWY 34R, ILS RWY 34R (CAT II), ILS RWY 34R (CAT III), ILS RWY 34R (SA CAT I), Amdt 3
- Denver, CO, Denver Intl, ILS OR LOC RWY 35L, ILS RWY 35L (CAT II), ILS RWY 35L (CAT III), ILS RWY 35L (SA CAT I), Amdt 5
- Denver, CO, Denver Intl, ILS OR LOC RWY 35R, ILS RWY 35R (CAT II), ILS RWY 35R (CAT III), ILS RWY 35R (SA CAT I), Amdt 3
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 7, Amdt 1
- Denver, CO, Denver Intl, RNAV (GPS) Y
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 16L, Amdt 1
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 16R, Amdt 1
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 17L, Amdt 1
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 17R, Amdt 1
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 25, Amdt 1
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 26, Amdt 1
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 34L, Amdt 2
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 34R, Amdt 2
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 35L, Amdt 2
- Denver, CO, Denver Intl, RNAV (GPS) Y RWY 35R, Amdt 2
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 7, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 8, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 16L, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 16R, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 17L, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 17R, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 25, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 26, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 34L, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 34R, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 35L, Orig
- Denver, CO, Denver Intl, RNAV (RNP) Z RWY 35R, Orig
- Denver, CO, Front Range, ILS OR LOC RWY 17, Amdt 1
- Denver, CO, Front Range, ILS OR LOC RWY 26, Amdt 5
- Denver, CO, Front Range, ILS OR LOC RWY 35, Amdt 1
- Denver, CO, Front Range, NDB RWY 26, Amdt 5
- Denver, CO, Front Range, RNAV (GPS) RWY 17, Amdt 1
- Denver, CO, Front Range, RNAV (GPS) RWY 26, Amdt 1
- Denver, CO, Front Range, RNAV (GPS) RWY 35, Amdt 1
- Denver, CO, Front Range, Takeoff Minimums and Obstacle DP, Amdt 3
- Denver, CO, Rocky Mountain Metropolitan, Takeoff Minimums and Obstacle DP, Amdt 5
- St. Augustine, FL, St Augustine, RNAV (GPS) RWY 31, Amdt 1
- Atlantic, IA, Atlantic Muni, RNAV (GPS) RWY 2, Amdt 1
- Atlantic, IA, Atlantic Muni, RNAV (GPS) RWY 20, Amdt 1
- Belle Plaine, IA, Belle Plaine Muni, GPS RWY 18, Orig-A, CANCELLED
- Belle Plaine, IA, Belle Plaine Muni, GPS RWY 36, Orig-A, CANCELLED
- Belle Plaine, IA, Belle Plaine Muni, RNAV (GPS) RWY 18, Orig
- Belle Plaine, IA, Belle Plaine Muni, RNAV (GPS) RWY 36, Orig
- Belle Plaine, IA, Belle Plaine Muni, VOR/DME-A, Amdt 1
- Oelwein, IA, Oelwein, Takeoff Minimums and Obstacle DP, Amdt 3
- Sac City, IA, Sac City Muni, RNAV (GPS) RWY 18, Orig
- Sac City, IA, Sac City Muni, RNAV (GPS) RWY 36, Amdt 1
- Sheldon, IA, Sheldon Muni, RNAV (GPS) RWY 15, Amdt 1
- Sheldon, IA, Sheldon Muni, RNAV (GPS) RWY 33, Amdt 1
- Centralia, IL, Centralia Muni, RNAV (GPS) RWY 18, Amdt 1
- Centralia, IL, Centralia Muni, RNAV (GPS) RWY 36, Amdt 1
- Centralia, IL, Centralia Muni, Takeoff Minimums and Obstacle DP, Amdt 2
- Chicago/Rockford, IL, Chicago/Rockford Intl, RNAV (GPS) RWY 7, Amdt 1A
- Chicago/Rockford, IL, Chicago/Rockford Intl, RNAV (GPS) RWY 25, Amdt 1
- Chicago/Rockford, IL, Chicago/Rockford Intl, RNAV (GPS) Y RWY 25, Orig-B, CANCELLED
- Flora, IL, Flora Muni, RNAV (GPS) RWY 3, Amdt 2
- Flora, IL, Flora Muni, RNAV (GPS) RWY 21, Amdt 2
- Rochelle, IL, Rochelle Muni Airport-Koritz Field, RNAV (GPS) RWY 7, Amdt 1
- Rochelle, IL, Rochelle Muni Airport-Koritz Field, RNAV (GPS) RWY 25, Amdt 1
- Iola, KS, Allen County, RNAV (GPS) RWY 1, Amdt 1
- Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 13, Amdt 1
- Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 31, Amdt 1
- Glasgow, KY, Glasgow Muni, RNAV (GPS) RWY 8, Amdt 2
- Glasgow, KY, Glasgow Muni, RNAV (GPS) RWY 26, Amdt 2
- Glasgow, KY, Glasgow Muni, SDF RWY 8, Amdt 11
- Glasgow, KY, Glasgow Muni, VOR/DME RWY 8, Amdt 9
- Greenville, KY, Muhlenberg County, RNAV (GPS) RWY 6, Orig
- Greenville, KY, Muhlenberg County, RNAV (GPS) RWY 24, Amdt 1
- Paducah, KY, Barkley Rgnl, RNAV (GPS) RWY 22, Orig-B
- Falmouth, MA, Cape Cod Coast Guard Air Station, ILS OR LOC RWY 23, Amdt 1
- Falmouth, MA, Cape Cod Coast Guard Air Station, ILS OR LOC RWY 32, Amdt 1
- Westminster, MD, Carroll County Rgnl/Jack B Poage Field, RNAV (GPS) RWY 16, Amdt 2
- Portland, ME, Portland Intl Jetport, ILS OR LOC RWY 11, ILS RWY 11 (SA CAT I), ILS RWY 11 (CAT II), ILS RWY 11 (CAT III), Amdt 3
- Portland, ME, Portland Intl Jetport, ILS OR LOC RWY 29, ILS RWY 29 (SA CAT I), ILS RWY 29 (SA CAT II), Amdt 3
- Portland, ME, Portland Intl Jetport, RNAV (GPS) RWY 11, Amdt 3
- Portland, ME, Portland Intl Jetport, RNAV (GPS) RWY 18, Amdt 1
- Portland, ME, Portland Intl Jetport, RNAV (GPS) RWY 29, Amdt 2
- Portland, ME, Portland Intl Jetport, RNAV (GPS) RWY 36, Amdt 1
- Portland, ME, Portland Intl Jetport, Takeoff Minimums and Obstacle DP, Amdt 5

Drummond Island, MI, Drummond Island, Takeoff Minimums and Obstacle DP, Amdt 1

Orr, MN, Orr Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2

Columbia, MO, Columbia Rgnl, Takeoff Minimums and Obstacle DP, Amdt 5

Jefferson City, MO, Jefferson City Memorial, NDB RWY 12, Amdt 2C, CANCELLED

Philadelphia, MS, Philadelphia Muni, NDB RWY 18, Amdt 1A, CANCELLED

Philadelphia, MS, Philadelphia Muni, NDB RWY 36, Amdt 1A, CANCELLED

Billings, MT, Billings Logan Intl, ILS OR LOC/DME RWY 28R, Amdt 1

Billings, MT, Billings Logan Intl, RNAV (GPS) RWY 7, Amdt 1

Billings, MT, Billings Logan Intl, RNAV (GPS) RWY 25, Amdt 1

Portales, NM, Portales Muni, Takeoff Minimums and Obstacle DP, Orig

Socorro, NM, Socorro Muni, RNAV (GPS) RWY 33, Amdt 1

New York, NY, La Guardia, Takeoff Minimums and Obstacle DP, Amdt 9A

Hot Springs, SD, Hot Springs Muni, GPS RWY 19, Orig, CANCELLED

Hot Springs, SD, Hot Springs Muni, RNAV (GPS) RWY 1, Orig

Hot Springs, SD, Hot Springs Muni, RNAV (GPS) RWY 19, Orig

El Paso, TX, El Paso Intl, RNAV (GPS) X RWY 4, Orig-A

El Paso, TX, El Paso Intl, RNAV (RNP) Y RWY 4, Orig

El Paso, TX, El Paso Intl, RNAV (RNP) Z RWY 4, Orig

El Paso, TX, El Paso Intl, RNAV (RNP) Z RWY 22, Orig-A

El Paso, TX, El Paso Intl, RNAV (RNP) Z RWY 26L, Orig

Fort Worth, TX, Fort Worth Spinks, ILS OR LOC RWY 35L, Amdt 2

Fort Worth, TX, Fort Worth Spinks, RNAV (GPS) RWY 17R, Amdt 1

Fort Worth, TX, Fort Worth Spinks, RNAV (GPS) RWY 35L, Amdt 1

Nacogdoches, TX, A L Mangham Jr. Rgnl, GPS RWY 36, Orig-A, CANCELLED

Nacogdoches, TX, A L Mangham Jr. Rgnl, RNAV (GPS) RWY 36, Orig

Nacogdoches, TX, A L Mangham Jr. Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2

Blackstone, VA, Allen C. Perkinson Muni/Blackstone AAF, Takeoff Minimums and Obstacle DP, Amdt 2

Galax Hillsville, VA, Twin County, RNAV (GPS) RWY 1, Amdt 1

Galax Hillsville, VA, Twin County, RNAV (GPS) RWY 19, Amdt 1

Galax Hillsville, VA, Twin County, Takeoff Minimums and Obstacle DP, Amdt 3

Bennington, VT, William H. Morse State, VOR RWY 13, Amdt 1

Milwaukee, WI, General Mitchell Intl, Takeoff Minimums and Obstacle DP, Amdt 8

Kemmerer, WY, Kemmerer Muni, Takeoff Minimums and Obstacle DP, Amdt 2

[FR Doc. 2012-7220 Filed 3-27-12; 8:45 am]

BILLING CODE 4910-13-P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 230, 240, and 242

[Release Nos. 33-9287A; IA-3341A; IC-29891A; File No. S7-04-11]

RIN 3235-AK90

Net Worth Standard for Accredited Investors

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendment.

SUMMARY: We are making a technical amendment to Regulation D and conforming changes to certain other rules. Regulation D was last amended in Release No. 33-9287 (December 21, 2011), which was published in the **Federal Register** on December 29, 2011. Those amendments became effective on February 27, 2012. Due to a typographical error in that release, the Preliminary Notes to Regulation D were inadvertently deleted from Regulation D. We are restoring the deleted text as new Rule 500. The deleted text is not being restored as Preliminary Notes in order to comply with current **Federal Register** codification standards.

DATES: Effective: March 28, 2012.

FOR FURTHER INFORMATION CONTACT: Anthony G. Barone, Special Counsel; Karen C. Wiedemann, Attorney Fellow; or Gerald J. Laporte, Chief, Office of Small Business Policy, Division of Corporation Finance, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-3628, (202) 551-3460.

SUPPLEMENTARY INFORMATION: We are adopting new Rule 500 (17 CFR 230.500) to restore the text that previously appeared as Preliminary Notes to Regulation D, and amending certain of our rules so references to Regulation D in such rules are to 17 CFR 230.500 *et seq.* This is a technical amendment restoring text that was inadvertently deleted and updating cross-references to Regulation D to conform to the new codification resulting from this technical amendment. The deleted text is being designated as Rule 500, rather than being restored as Preliminary Notes, in order to comply with current **Federal Register** codification standards. This amendment does not affect legal rights and obligations under Regulation D. To update cross-references to Regulation D, we are amending Rules 30-1¹ and 800²

¹ 17 CFR 200.30-1.

² 17 CFR 200.800.

under “Organization; Conduct and Ethics; and Information and Requests;” Rules 501³ and 502⁴ of Regulation D under the Securities Act of 1933, as amended; Rule 15g-1⁵ under the Securities Exchange Act of 1934, as amended; and Rules 101,⁶ 102⁷ and 104⁸ of Regulation M under the Securities Exchange Act of 1934, as amended.

List of Subjects in 17 CFR Parts 200, 230, 240, and 242

Reporting and recordkeeping requirements, Securities.

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

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

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

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

* * * * *

§ 200.30-1 [Amended]

■ 2. In § 200.30-1(c), remove the reference to “§ 230.501 *et seq.* of this chapter” and add in its place “§ 230.500 *et seq.* of this chapter”.

§ 200.800 [Amended]

■ 3. In § 200.800(b), remove the reference to “230.501 thru 230.506” under the heading “17 CFR part or section where identified and described” and add in its place “230.500 thru 230.508”.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

■ 4. The general authority citation for Part 230 continues to read, in part, as follows:

Authority: 15 U.S.C. 77b, 77b note, 77c, 77d, 77f, 77g, 77h, 77j, 77r, 77s, 77z-3, 77sss, 78c, 78d, 78j, 78l, 78m, 78n, 78o, 78o-7 note, 78t, 78w, 78ll(d), 78mm, 80a-8, 80a-24, 80a-28, 80a-29, 80a-30, and 80a-37, unless otherwise noted.

* * * * *

■ 5. Add § 230.500 to read as follows:

³ 17 CFR 230.501.

⁴ 17 CFR 230.502.

⁵ 17 CFR 240.15g-1.

⁶ 17 CFR 242.101.

⁷ 17 CFR 242.102.

⁸ 17 CFR 242.104.

§ 230.500 Use of Regulation D.

Users of Regulation D (§§ 230.500 *et seq.*) should note the following:

(a) Regulation D relates to transactions exempted from the registration requirements of section 5 of the Securities Act of 1933 (the Act) (15 U.S.C. 77a *et seq.*, as amended). Such transactions are not exempt from the antifraud, civil liability, or other provisions of the federal securities laws. Issuers are reminded of their obligation to provide such further material information, if any, as may be necessary to make the information required under Regulation D, in light of the circumstances under which it is furnished, not misleading.

(b) Nothing in Regulation D obviates the need to comply with any applicable state law relating to the offer and sale of securities. Regulation D is intended to be a basic element in a uniform system of federal-state limited offering exemptions consistent with the provisions of sections 18 and 19(c) of the Act (15 U.S.C. 77r and 77(s)(c)). In those states that have adopted Regulation D, or any version of Regulation D, special attention should be directed to the applicable state laws and regulations, including those relating to registration of persons who receive remuneration in connection with the offer and sale of securities, to disqualification of issuers and other persons associated with offerings based on state administrative orders or judgments, and to requirements for filings of notices of sales.

(c) Attempted compliance with any rule in Regulation D does not act as an exclusive election; the issuer can also claim the availability of any other applicable exemption. For instance, an issuer's failure to satisfy all the terms and conditions of rule 506 (§ 230.506) shall not raise any presumption that the exemption provided by section 4(2) of the Act (15 U.S.C. 77d(2)) is not available.

(d) Regulation D is available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resales of the issuer's securities. Regulation D provides an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.

(e) Regulation D may be used for business combinations that involve sales by virtue of rule 145(a) (§ 230.145(a)) or otherwise.

(f) In view of the objectives of Regulation D and the policies underlying the Act, Regulation D is not available to any issuer for any transaction or chain of transactions that,

although in technical compliance with Regulation D, is part of a plan or scheme to evade the registration provisions of the Act. In such cases, registration under the Act is required.

(g) Securities offered and sold outside the United States in accordance with Regulation S (§ 230.901 through 905) need not be registered under the Act. See Release No. 33-6863. Regulation S may be relied upon for such offers and sales even if coincident offers and sales are made in accordance with Regulation D inside the United States. Thus, for example, persons who are offered and sold securities in accordance with Regulation S would not be counted in the calculation of the number of purchasers under Regulation D. Similarly, proceeds from such sales would not be included in the aggregate offering price. The provisions of this paragraph (g), however, do not apply if the issuer elects to rely solely on Regulation D for offers or sales to persons made outside the United States.

§ 230.501 [Amended]

■ 6. In § 230.501 introductory text, remove the reference to “§§ 230.501–230.508” and add in its place “§ 230.500 *et seq.* of this chapter”.

§ 230.502 [Amended]

■ 7. In § 230.502 introductory text, remove the reference to “§§ 230.501–230.508” and add in its place “§ 230.500 *et seq.* of this chapter”.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

■ 8. The general authority citation for Part 240 continues to read, in part, as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78n–1, 78o, 78o–4, 78p, 78q, 78s, 78u–5, 78w, 78x, 78ll, 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.*; 18 U.S.C. 1350, 12 U.S.C. 5221(e)(3), and Pub. L. 111–203, § 939A, 124 Stat. 1376, (2010) unless otherwise noted.

* * * * *

§ 240.15g–1 [Amended]

■ 9. In § 240.15g–1(c), remove the reference to “17 CFR 230.501–230.508” and add in its place “17 CFR 230.500 *et seq.*”.

PART 242—REGULATION M

■ 10. The general authority citation for Part 242 continues to read, in part, as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78n–1, 78o, 78o–4, 78p, 78q, 78s, 78u–5, 78w, 78x, 78ll, 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.*; 18 U.S.C. 1350, 12 U.S.C. 5221(e)(3), and Pub. L. 111–203, § 939A, 124 Stat. 1376, (2010) unless otherwise noted.

* * * * *

§ 242.101 [Amended]

■ 11. In § 242.101(b)(10)(i), remove the reference to “§ 230.501 through § 230.508” and add in its place “§ 230.500 *et seq.*”.

§ 242.102 [Amended]

■ 12. In § 242.102(b)(7)(i), remove the reference to “§ 230.501 through § 230.508” and add in its place “§ 230.500 *et seq.*”.

§ 242.104 [Amended]

■ 13. In § 242.104(j)(2)(i), remove the reference to “§ 230.501 through § 230.508” and add in its place “§ 230.500 *et seq.*”.

Dated: March 23, 2012.

Elizabeth M. Murphy,
Secretary.

[FR Doc. 2012–7446 Filed 3–27–12; 8:45 am]

BILLING CODE 8011–01–P

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration****21 CFR Part 516****New Animal Drugs for Minor Use and Minor Species****CFR Correction**

In Title 21 of the Code of Federal Regulations, Parts 500 to 599, revised as of April 1, 2011, on page 96, in § 516.20, (b)(2) is revised to read as follows:

§ 516.20 Content and format of a request for MUMS-drug designation.

* * * * *

(b) * * *

(2) The name and address of the sponsor; the name of the sponsor's primary contact person and/or permanent-resident U.S. agent including title, address, and telephone number; the established name (and proprietary name, if any) of the active pharmaceutical ingredient of the drug; and the name and address of the source

of the active pharmaceutical ingredient of the drug.

* * * * *

[FR Doc. 2012-7532 Filed 3-27-12; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Apportionment of Tax Items Among the Members of a Controlled Group of Corporations

CFR Correction

In Title 26 of the Code of Federal Regulations, Part 1 (§ 1.1551 to End of Part 1), revised as of April 1, 2011, on page 24, in § 1.1561-2, paragraphs (c) through (f) are added to read as follows:

§ 1.1561-2 Special rules for allocating reductions of certain section 1561(a) tax-benefit items.

* * * * *

(c) *Accumulated earnings credit.* The component members of a controlled group of corporations are permitted to allocate the amount of the accumulated earnings credit unequally if they have an apportionment plan in effect.

(d) [Reserved]

(e) *Short taxable year not including a December 31st date—(1) General rule.* If a corporation has a short taxable year not including a December 31st date and, after applying the rules of section 1561(b) and paragraph (e)(2)(i) of this section, it qualifies as a component member of the group with respect to its short taxable year (short-year member), then, for purposes of subtitle A of the Internal Revenue Code, the amount of any tax-benefit item described in section 1561(b) allocated to that component member's short taxable year shall be the amount specified in section 1561(a) for that item, divided by the number of corporations which are component members of that group on the last day of that component member's short taxable year. The component members of such group may not apportion, by an apportionment plan, an amount of such tax-benefit item to any short-year member that differs from equal apportionment of that item.

(2) *Additional rules.* For purposes of paragraph (e)(1) of this section—

(i) Section 1563(b) shall be applied as if the last day of the taxable year of a short-year member were substituted for December 31st; and

(ii) The term short taxable year does not refer to any portion of a tax year of a corporation for which its income is

required to be included in a consolidated return pursuant to § 1.1502-76(b).

(3) *Calculation of the additional tax.*

A short-year member (as defined in paragraph (e)(1) of this section) for its short taxable year calculates its additional tax liability imposed by section 11(b)(1) only on its own income, and therefore the subsequent calculation of the additional tax liability with regard to the remaining members of the group will not include the income of this short-year member.

(4) *Calculation of the alternative minimum tax.* If a component member has a tax year of less than 12 months, whether or not such tax year includes a December 31st date, see section 443(d) for the annualization method required for calculating the alternative minimum tax.

(5) *Examples.* The provisions of this paragraph (e) may be illustrated by the following examples:

Example 1. Formation of a new member of a controlled group—(i) Facts. On January 2, 2007, corporation X transfers cash to newly formed corporation Y (which begins business on that date) and receives all of the stock of Y in return. X also owns all of the stock of corporation Z on each day of 2006 and 2007. X, Y and Z have an apportionment plan in effect, apportioning the 15 percent tax bracket amount as follows: 40% (\$20,000) to each of X and Y and 20% (\$10,000) to Z. X, Y and Z each file a separate return with respect to the group's December 31st, 2007 testing date. X is on a calendar tax year and Z is on a fiscal tax year ending on March 31. Y adopts a fiscal year ending on June 30 and timely files a tax return for its short taxable year beginning on January 2, 2007, and ending on June 30, 2007.

(ii) *Y's short taxable year.* On June 30, 2007, Y is a component member of a parent/subsidiary controlled group of corporations composed of X, Y and Z. Pursuant to paragraph (e)(1) of this section, the group may not apportion any amount of the 15 percent tax bracket to Y's short taxable year ending on June 30, 2007. Rather, Y is entitled to exactly $\frac{1}{3}$ of such bracket amount, or \$16,667.

(iii) *The members' subsequent tax years.* On December 31st, 2007, X, Y and Z are component members of a parent-subsubsidiary controlled group of corporations. For their tax years that include December 31st, 2007 (X's calendar year ending December 31st, 2007, Z's fiscal year ending March 31, 2008 and Y's fiscal year ending June 30, 2008), X, Y and Z apportion among themselves the full amount of all of the applicable tax brackets pursuant to their apportionment plan. For example, 40% of the 15 percent tax-bracket amount, or \$20,000, was apportioned to each of X and Y, and the remaining 10%, or \$10,000, was apportioned to Z.

Example 2. Allocating a tax bracket to the short taxable year of a liquidated member of a controlled group—(i) Facts. On January 1, 2007, corporation P owns all of the stock of

corporations S₁, S₂ and S₃ (the P group). Each of these four component members of the P group, with respect to the group's December 31st, 2007 testing date, files its separate return on a calendar year basis. These members have an apportionment plan in effect (the P group plan) under which S₁ and S₂ are each entitled to 40% of the 15 percent tax-bracket amount (\$20,000), and P and S₃ are each entitled to 10% of the 15 percent tax-bracket amount (\$5,000). On May 31, 2007, S₁ liquidates and therefore files a return for the short taxable year beginning on January 1, 2007, and ending on May 31, 2007. On July 31, 2007, S₂ liquidates and therefore files a return for the short taxable year beginning on January 1, 2007 and ending on July 31, 2007. P and S₃ each file a return for their 2007 calendar tax years.

(ii) *Apportionment of the 15 percent tax bracket to S₁ for its short taxable year.* On May 31, 2007, S₁ is a component member of the P group composed of P, S₁, S₂ and S₃. Pursuant to paragraph (e)(1) of this section, the group may not apportion any amount of the 15 percent tax bracket to S₁'s short taxable year ending on June 30, 2007. Rather, S₁ is entitled to exactly $\frac{1}{4}$ of such bracket amount, or \$12,500.

(iii) *Apportionment of the 15 percent tax bracket to S₂ for its short taxable year.* On July 31, 2007, S₂ is a component member of the P group composed of P, S₂ and S₃. Pursuant to paragraph (e)(1) of this section, the group may not apportion any amount of the 15 percent tax bracket to S₂'s short taxable year ending on June 30, 2007. Rather, S₂ is entitled to exactly $\frac{1}{4}$ of such bracket amount, or \$16,667.

(iv) *Apportionment of the 15 percent tax bracket to P and S₃ for each of their calendar tax years.* On December 31st, 2007, P and S₃ are component members of the P group. Accordingly, for P and S₃'s 2007 calendar tax year, they are each apportioned \$25,000 of the 15 percent tax bracket, pursuant to the applicable P group plan.

Example 3. Liquidation of member after its transfer to another controlled group—(i) Facts. The facts are the same as in Example 2, except that P, on April 30, 2007, sold all of the stock of S₂ to the M-N controlled group. At the time of the sale, M and N are both unrelated to any members of the P group. As in Example 2, S₂ liquidates on July 31, 2007, and therefore files a tax return for its short taxable year beginning on January 1, 2007, and ending on July 31, 2007. Pursuant to the sales agreement, the M-N group timely notified P that S₂ had liquidated.

(ii) *Controlled group analysis.* On April 30, 2007, the date of the sale of S₂, the P group reasonably expected that S₂ would be treated as an excluded member with respect to its December 31st, 2007 testing date. On that April 30th date, S₂ had been a member of the P group for less than one-half the number of days of what it expected would be a full 2007 calendar tax year preceding December 31st, 2007 (120 days (January 1–April 30) out of 364 days (January 1–December 30)). Yet, as a result of S₂'s subsequent liquidation by the M-N group prior to December 31st, 2007, S₂ became a component member of the P group with respect to the P group's December 31st, 2007 testing date. With respect to that

December 31st testing date, S₂ thus was a member of the P group for more than one-half of the number of days of its tax year ending on July 31, 2007, which days proceeded December 31st, 2007 (120 days (January 1–April 30 of 2007) out of 211 days (January 1–July 30 of 2007)). The allocation of the 15 percent tax-bracket amount to the P group members is determined in the same manner as in Example 2 and, therefore, the bracket amounts allocated to P, S₁, S₂ and S₃ are the same as determined in Example 2. The allocation of the bracket amounts would be the same if, at the time P sold all of the S₂ stock, the parties had made a section 338(h)(10) election.

Example 4. Short tax year including a December 31st date. Corporation X owns all of the stock of corporations Y and Z. X, Y and Z each file separate returns. X and Y are on a calendar tax year and Z is on a fiscal tax year beginning October 1 and ending September 30. On January 2, 2007, Z liquidates. Because Z's final tax year (beginning on October 1, 2006 and ending on January 2, 2007) includes a December 31st date, that is, December 31, 2006, it is therefore not subject to the short taxable year rule provided by section 1561(b) and paragraph (e) of this section. Accordingly, Z is a component member of the X–Y–Z group, for the group's December 31st, 2006 testing date. Thus, the rules of this paragraph (e) do not limit the amount of any of the tax-benefit items of section 1561(a) available to Z or to this controlled group.

(f) *Effective/applicability date.* This section applies to any tax year beginning on or after December 21, 2009. However, taxpayers may apply this section to any Federal income tax return filed on or after December 21, 2009. For tax years beginning before December 21, 2009, see § 1.1561–2T as contained in 26 CFR part 1 in effect on April 1, 2009.

[FR Doc. 2012–7533 Filed 3–27–12; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9564]

RIN 1545–BJ93

Guidance Regarding Deduction and Capitalization of Expenditures Related to Tangible Property: Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulations; correcting amendment.

SUMMARY: This document contains correcting amendments to temporary regulations (TD 9564), which were published in the **Federal Register** relating to guidance regarding deduction and capitalization of expenditures related to tangible property.

DATES: *Effective Date:* March 28, 2012.

FOR FURTHER INFORMATION CONTACT: Merrill D. Feldstein (202) 622–4950 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of these corrections are under sections 162, 167, 168, and 263 of the Internal Revenue Code.

Need for Correction

As published on December 27, 2011 (76 FR 81060), the temporary regulations (TD 9564), contain errors which may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Accordingly, 26 CFR Part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.162–3 is revised to read as follows:

§ 1.162–3 Materials and Supplies

(a) through (k) [Reserved]. For further guidance, see § 1.163–3T(a) through (k).

■ **Par. 2.** Section 1.162–3T is amended by:

- 1. Revising the third sentence of paragraph (d)(3).
- 2. Redesignating paragraphs (i) and (j) as (j) and (k), respectively.
- 3. Redesignating the second paragraph (h), “Accounting method changes” as paragraph (i).
- 4. In newly redesignated paragraph (j) the second sentence is revised.

The revisions read as follows:

§ 1.162–3T Materials and supplies (temporary).

* * * * *

(d) * * *

(3) * * * See § 1.263(a)–2T for the treatment of amounts paid to acquire or produce real or personal tangible property. * * *

* * * * *

(j) * * * However, a taxpayer may apply § 1.162–3T(e) (the optional method of accounting for rotatable and temporary spare parts) to taxable years beginning on or after January 1, 2012. * * *

* * * * *

■ **Par. 3.** Section 1.168(i)–1T is amended by:

■ 1. In paragraph (e)(3)(ii)(B), redesignating *Example 2*(iii) as *Example 2*(ii).

■ 2. Adding a new sentence at the end of paragraph (m)(2).

The addition reads as follows:

§ 1.168(i)–1T General asset accounts (temporary).

* * * * *

(m) * * *

(2) * * * This paragraph (m)(2) does not apply to a change to comply with paragraph (e)(3)(ii), (e)(3)(iii) or paragraph (l) of this section.

* * * * *

■ **Par. 4.** Section 1.168(i)–8T is amended by:

■ 1. Redesignating the second paragraph (c)(4)(ii)(E) as paragraph (c)(4)(ii)(F).

■ 2. Revising the first sentence of paragraph (g)(3).

The revision reads as follows:

§ 1.168(i)–8T Dispositions of MACRS property (temporary).

* * * * *

(g) * * *

(3) * * * This paragraph (g)(3) applies only to a taxpayer that uses a reasonable, consistent method to treat each of the asset's components as the asset in accordance with paragraph (c)(4)(ii)(F) of this section. * * *

* * * * *

■ **Par. 5.** Section 1.263(a)–2T is amended by:

■ 1. Revising the eighth sentence of paragraph (g)(8) *Example 2*.

■ 2. Revising the last sentence of paragraph (k).

The revisions read as follows:

§ 1.263(a)–2T Amounts paid to improve tangible property (temporary).

* * * * *

(g) * * *

* * * * *

(8) *Examples.* * * *

* * * * *

Example 2. * * * Thus, in order to meet the criteria of paragraph (g)(1)(iv) of this section for Year 1, the total aggregate amounts paid and not capitalized by X under paragraphs (g)(1)(i), (ii), and (iii) of this section must be less than or equal to the greater of \$125,000 (0.1 percent of X's total gross receipts of \$125,000,000) or \$140,000 (2 percent of X's total depreciation and amortization of \$7,000,000). * * *

* * * * *

(k) * * * For the applicability of regulations to taxable years beginning before January 1, 2012, see § 1.263(a)–2 in effect prior to January 1, 2012 (§ 1.263(a)–2 as contained in 26 CFR part 1 edition revised as of April 1, 2011).

* * * * *

- **Par. 6.** Section 1.263(a)–3T is amended by:
 - 1. Revising paragraph (b).
 - 2. Revising the sixth sentence of paragraph (e)(6), *Example 17*.
 - 3. Revising the seventh sentence of paragraph (i)(5), *Example 20*.
 - 4. Revising the third sentence of paragraph (i)(5), *Example 22* paragraph (ii).
 - 5. Revising the last sentence of paragraph (i)(5), *Example 23*.
 - 6. Revising paragraph (q).

The revisions read as follows:

§ 1.263(a)–3T Amounts paid to improve tangible property (temporary).

(b) * * * For purposes of this section, the following definitions apply:

* * * * *

(e) * * *

(6) *Examples.* * * *

* * * * *

Example 17. * * * In year 7, X changed its method of accounting to use a 15-year recovery period for the improvement. * * *

* * * * *

(i) * * *

(5) * * *

* * * * *

Example 20. * * * The plumbing fixtures in all the restrooms perform a discrete and critical function in the operation of the plumbing system and comprise a large portion of the physical structure of the plumbing system. * * *

* * * * *

Example 22. (i) * * *

(ii) * * * All the bathtubs, toilets, sinks, and plumbing fixtures in the hotel building perform a discrete and critical function in the operation of the plumbing system and comprise a large portion of the physical structure of the plumbing system. * * *

Example 23. * * * Accordingly, X is not required to treat the amount paid to replace the windows as a restoration of a building system under paragraph (i)(1)(iv) of this section.

* * * * *

(q) * * * The applicability of this section expires on December 23, 2014.

- **Par. 7.** Section 1.263(a)–6T is amended by revising paragraphs (b)(13) and (d) to read as follows:

§ 1.263(a)–6T Election to deduct or capitalize certain expenditures (temporary).

* * * * *

(b) * * *

(13) Section 193 (tertiary injectants);

* * * * *

(d) *Expiration date.* The applicability of this section expires on December 23, 2014.

- **Par. 8.** Section 1.1016–3T is amended by revising the second sentence of paragraph (j)(3) to read as follows:

§ 1.1016–3T Exhaustion, wear and tear, obsolescence, amortization, and depletion for periods since February 13, 1913 (temporary).

* * * * *

(j) * * *

(3) * * * For the applicability of § 1.1016–3(a)(1)(ii) to taxable years beginning before January 1, 2012, see § 1.1016–3(a)(1)(ii) in effect prior to January 1, 2012 (§ 1.1016–3(a)(1)(ii) as contained in 26 CFR part 1 edition revised as of April 1, 2011).

* * * * *

Guy R. Traynor,

Federal Register Liaison, Legal Processing Division, Publications & Regulations Br., Associate Chief Counsel, (Procedure & Administration).

[FR Doc. 2012–7263 Filed 3–27–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0199]

RIN 1625–AA00

Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Navy Pier Southeast Safety Zone in Chicago Harbor during various periods from May 19, 2012 through June 30, 2012. This action is necessary and intended to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after fireworks events. Enforcement of this safety zone will establish restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and immediately after various fireworks events. During the enforcement period, no person or vessel may enter the safety zones without permission of the Captain of the Port, Sector Lake Michigan.

DATES: The regulations in 33 CFR 165.931 will be enforced at various times between 9 p.m. on May 19, 2012 through 10:30 p.m. on June 30, 2012.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email MST2 Rebecca Stone, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at 414–747–7154, email Rebecca.R.Stone@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL listed in 33 CFR 165.931 for the following events:

- (1) *Navy Pier Fireworks*; on May 19, 2012 from 9 p.m. through 11 p.m.; on May 26, 2012 from 10 p.m. through 10:30 p.m.; on May 30, 2012 from 9:15 p.m. through 9:45 p.m.; on June 2, 2012 from 10 p.m. through 10:30 p.m.; on June 6, 2012 from 9:15 p.m. through 9:45 p.m.; on June 9, 2012 from 10 p.m. through 10:30 p.m.; on June 13, 2012 from 9:15 p.m. through 9:45 p.m.; on June 16, 2012 from 10 p.m. through 10:30 p.m.; on June 20, 2012 from 9:15 p.m. through 9:45 p.m.; on June 23, 2012 from 10 p.m. through 10:30 p.m.; on June 27, 2012 from 9:15 p.m. through 9:45 p.m.; and on June 30, 2012 from 10:00 through 10:30.

All vessels must obtain permission from the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative to enter, move within or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port, Sector Lake Michigan, or his or her on-scene representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice is issued under authority of 33 CFR 165.931 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port, Sector Lake Michigan, will issue a Broadcast Notice to Mariners notifying the public when enforcement of the safety zone established by this section is suspended. If the Captain of the Port, Sector Lake Michigan, determines that the safety zone need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the safety zone. The Captain of the Port, Sector Lake Michigan, or his or her on-scene representative may be contacted via VHF Channel 16.

Dated: March 14, 2012.

M.W. Sibley,

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

[FR Doc. 2012–7388 Filed 3–27–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Parts 173, 174, 181, and 187**

[Docket No. USCG–2003–14963]

RIN 1625–AB45

Changes to Standard Numbering System, Vessel Identification System, and Boating Accident Report Database**AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

SUMMARY: The Coast Guard is amending its regulations related to numbering undocumented vessels and reporting boating accidents. These changes align and modernize terminology used in the Standard Numbering System (SNS), the Vessel Identification System, and accident reporting; require verification of vessel hull identification numbers; require SNS vessel owners to provide personally identifiable information; and provide flexibility for States and territories in administering these regulations. Together, the changes are intended to improve boating safety efforts, enhance law enforcement capabilities, clarify requirements for all stakeholders, and promote the Coast Guard strategic goals of maritime safety and security.

DATES: This final rule is effective April 27, 2012. The requirements of 33 CFR 173.57(c), 174.16(b), 174.17(c), and 174.19(c) take effect on that date but the Coast Guard may not enforce the collections of information required by those provisions without the approval of the Office of Management and Budget and a subsequent Coast Guard document in the **Federal Register**.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2003–14963 and are available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to <http://www.regulations.gov>, inserting USCG–2003–14963 in the “Keyword” box, and then clicking “Search.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Jeff Ludwig, Office of Auxiliary and Boating Safety; telephone 202–372–1061, or email

Jeffrey.A.Ludwig@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:**Table of Contents for Preamble**

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 - A. Regulatory Planning and Review
 - B. Small Entities
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I. Abbreviations

BARD Boating Accident Report Database
 DHS Department of Homeland Security
 FR Federal Register
 HIN Hull identification number
 n/a Not applicable
 NBSAC National Boating Safety Advisory Council
 NPRM Notice of Proposed Rulemaking
 OMB Office of Management and Budget
 PII Personally identifiable information
 SNS Standard Numbering System
 UCOTA Uniform Certificate of Title Act
 U.S.C. United States Code
 VIS Vessel Identification System

II. Regulatory History

On May 7, 2010, we published a notice of proposed rulemaking (NPRM) bearing the same title as this final rule in the **Federal Register** (75 FR 25137). We received 39 comments on the proposed rule. No public meeting was requested, and none was held.

III. Basis and Purpose

The Administrative Procedure Act, 5 U.S.C. 553(c), requires each rule to contain a concise statement of its basis and purpose. The remainder of this preamble discusses both in detail, but in summary this final rule’s:

- *Basis* is 46 U.S.C. 2103, authorizing regulations to implement United States Code (U.S.C.), Title 46, Subtitle II, dealing with vessels and seamen; 46 U.S.C. 6101, requiring regulations on marine casualty reporting; 46 U.S.C. 12302, requiring regulations establishing a standard numbering system for certain undocumented vessels; and 46 U.S.C. 12501, requiring regulations establishing an identification system for certain vessels;

authority under all of which sections has been delegated by the Secretary to the Coast Guard in Department of Homeland Security (DHS) Delegation No. 0170.1; and its

- *Purpose* is to improve the information available within and across the Standard Numbering System (SNS), Vessel Identification System, and Boating Accident Report databases by increasing data quality, aligning and modernizing database terminology, requiring verification of hull identification numbers, requiring owners of SNS-numbered vessels to provide unique personal identification information and providing additional administrative flexibility to States and territories.

IV. Background

Coast Guard regulations in 33 CFR parts 173 and 174 provide for an SNS that assigns unique identification numbers to undocumented vessels equipped with propulsion machinery of any kind. The SNS is a *Federal* system mandated by 46 U.S.C. 12302, but it permits a *State*¹ to assign numbers to vessels within its jurisdiction if we find that the State’s own vessel numbering system is consistent with SNS. Today, all States maintain Coast Guard-approved numbering systems.

Regulations in 33 CFR parts 173 and 174 also implement 46 U.S.C. 6102, which requires us to establish a uniform reporting system for State vessel casualties, and which requires States to compile and send us reports, information, and statistics on casualties reported to them. Our regulations contain provisions for reporting casualties that involve SNS-numbered undocumented vessels that are equipped with propulsion machinery of any kind, and recreational vessels of any kind (SNS-numbered or not), 33 CFR 173.51, 174.101. We maintain a Boating Accident Report Database (BARD) for this data.

Coast Guard regulations in 33 CFR part 187 help us implement 46 U.S.C. 12501, which requires us to maintain a Vessel Identification System (VIS) covering both documented and undocumented vessels. VIS must contain vessel identification and ownership information (including personally identifiable information, or

¹ “State” is defined in 33 CFR 173.3 as “a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the District of Columbia,” or 56 States and territories. This discussion refers to “State” throughout, but except when specifically noted otherwise, the term “State” should be read as including all 56 States and territories.

PII) which can be used for law enforcement involving vessel-related crimes such as vessel theft and fraud. We developed VIS in coordination with relevant State agencies. Data for documented vessels is added to VIS based on Coast Guard records for those vessels. The part 187 regulations describe how a State can participate in VIS by supplying data for the undocumented vessels numbered and titled within that State. The more comprehensive VIS's undocumented vessel information is, the greater are its benefits: However, State participation in VIS is entirely voluntary, 46 U.S.C. 12503, even though the current universal State participation in SNS means States currently control the titling and numbering of all undocumented vessels. States that do participate in VIS have access to VIS data, 46 U.S.C. 12504. VIS became operational in 2007 and 32 States now participate in it.

SNS, VIS, and BARD data facilitate maritime law enforcement, safety, and security. Because of our leadership position in these areas and our role as the coordinator of the National Recreational Boating Safety Program and our partnership with other Federal and State agencies with similar responsibilities, we continually look for ways to improve the efficiency and effectiveness of SNS, BARD, and VIS, and we analyze our existing regulations to make sure they promote continuous improvement. This final rule is the product of that analysis, and, as described in section VI of this preamble, "Regulatory Analyses," is intended to improve the information available within and across the databases by increasing the ability to cross-reference the information.

The National Boating Safety Advisory Council (NBSAC) initially suggested many of the changes in this final rule. NBSAC operates under the Federal Advisory Committee Act to advise the Coast Guard on recreational boating safety issues. NBSAC's 21 members include seven representatives of State officials responsible for State boating safety programs; seven representatives of recreational vessel manufacturers and associated equipment manufacturers; and seven representatives of national recreational boating organizations and from the general public, at least five of whom must be representatives of national recreational boating organizations. As required by 46 U.S.C. 4302(c)(4) and 13110(c), we have consulted with NBSAC about this rulemaking.

V. Discussion of Comments and Changes

Our NPRM proposed changes in four areas.

- *Terminology:* Aligning and updating the terminology used by SNS, BARD, and VIS.

These changes conform existing regulations to current statutory language, reflect recent developments in boating practices and technology, and leverage our ability to coordinate data from all three databases;

- *HINs:* Making several changes related to HIN (hull identification number) data. The most significant change requires SNS-administering States to ensure that each SNS-numbered vessel built since 1972, when HIN regulations first took effect, has or obtains valid HINs. HINs are permanently marked on a vessel, and because one of the two required HINs is always in an unexposed location, the presence of these unique identifiers on a vessel may make it less tempting as a target for theft. They also give law enforcement and maritime security personnel a good way to link a vessel with its owner. SNS has collected HIN data for many years but it is not always accurate, either because a vessel has no HIN, or the HIN was incorrectly reported, or the HIN was incorrectly entered into SNS. If we can rely more on the comprehensiveness and accuracy of HIN data, SNS efficiency will be increased (we will more quickly rely on the data), and SNS will more effectively assist law enforcement and maritime security activity.

- *PII:* Requiring SNS-administering States to collect unique personally identifiable information from SNS vessel owners. PII has high value for law enforcement and maritime security purposes. It provides a more reliable way to validate a vessel owner's identity than the owner's name, which in many cases can easily be misspelled or confused with another person's name. We believe the inclusion of PII would make SNS easier to use (more efficient) and more effective. We already collect PII for vessel owners included in our VIS database, but VIS includes PII data for State-numbered vessels only for the 32 States now participating in VIS. By requiring its collection directly for all SNS-numbered vessels, we can obtain PII data for State-numbered vessels in all 56 States that participate in SNS. Moreover, because all 56 States now will need to begin collecting PII, they all will soon have all the data they need to participate voluntarily in VIS, and therefore they may choose to participate in it. Because the value of VIS becomes

greater as the number of voluntary participants increases, expanding participation means all participants will be able to use VIS more effectively.

- *Flexibility:* Providing States with additional administrative flexibility, for example, by removing language from 33 CFR 181.31(c) that required State boating law administrators to assign HINs to individuals. Now, each State will be free to determine for itself which State agency is best positioned to perform that function.

State government officials with recreational boating responsibilities submitted most of the public comments on the NPRM. Two commenters asked us to extend the comment period, which originally closed on August 5, 2010. We subsequently reopened the comment period to accept comments until October 15, 2010 (75 FR 49869, Aug. 16, 2010).

Ten commenters asked us to defer consideration of our rule. A typical comment from this group was that changes not directly associated with harmonizing terminology "should be postponed to accommodate the more comprehensive development and evaluation of regulatory proposals regarding the accident reporting processes and overall system and the information content of the report form" and BARD. Others in this group felt that our rulemaking could be affected by the current national effort to develop a Uniform Certificate of Title Act (UCOTA) for adoption by the States. We are studying the possible need for substantive changes in accident reporting processes and, pending completion of that study, we have withdrawn the NPRM's proposed amendment of 33 CFR 173.59, which would have eliminated the option of reporting a recreational boating accident to the State where the boat is registered rather than to the State where the accident occurred. We are also tracking the development of UCOTA. We are prepared to open new rulemakings to make changes in accident reporting and to align with UCOTA, but the possibility of future changes in these two areas does not require any delay in completing the present rulemaking.

Six commenters said we should avoid changing terminology in ways harmful to the States' ability to analyze historical data or that risk data corruption during database updates. One of these commenters asked if States would need to reissue new certificates of title to vessel owners and those with security interests in those vessels since old title certificates would contain outdated terminology. We do not believe States' ability to analyze historical data will be

adversely affected by this final rule, although date queries might have to be managed by pre- or post-regulation date. We will not require States to reissue new certificates of title as a result of these terminology changes. Those cases will resolve themselves as the vessels are re-titled through sale or relocation.

Eight commenters made suggestions about the terminology used in the NPRM. We agreed with these suggestions and Table 1 shows the sections where we made changes in the final rule accordingly. Many of these commenters said we failed to align terms used in the proposed text of 33 CFR parts 174 and 187. We believe we have addressed that concern by withdrawing the NPRM's proposed changes to accident reporting, and by amending 33 CFR 187.101 so that the personal identification required by part 187 matches what we require in part 174. Some of these commenters also requested that, for better clarity, we substitute "casualty or accident" for "incident" in 33 CFR 173.57, which we have done in this final rule.

Ten commenters objected to our proposal to delay the implementation of some measures for three years, saying we should allow at least five or six years instead. These commenters pointed out that States might need that time to make conforming changes in their laws, to obtain implementation funding, and to train staff to update databases and forms. Another group of nine commenters (which to a large extent overlapped with the group calling for a longer deferral of implementation) cited the high costs of implementation during a difficult economic period as a reason not to proceed with the rulemaking. Most of the changes we are making in this final rule have been under discussion with State officials for many years and we think they are overdue. We are concerned that a five- or six-year delay would have a substantial and undesirable impact on our ability to improve our regulatory performance. Nevertheless, we are mindful of the costs and challenges involved in implementing this final rule and of the current economic climate and we have attempted to balance our responsibility as regulators with our respect for our State partners and their concerns. In the NPRM, we proposed changing the casualty or accident report content requirements of 33 CFR 173.57 effective on January 1 of the "fourth year following the year of the effective date of the final rule." The NPRM proposed delaying the changes to the State numbering system requirements in 33 CFR part 174, subpart B for three years. We now have decided to delay the latter

changes so that these requirements will also be delayed until January 1, 2017—giving the States more than four full years to prepare for their implementation.

Twelve commenters said our proposed requirement for State personnel to affix HINs to vessels was overly burdensome and costly. One of the 12 also said that any new HIN requirement is unnecessary because the problem is not with inaccurate HINs on vessels but with poor data entry controls in some States, resulting in the entry of erroneous HIN information in their databases. We agree that incorrect data entry contributes to HIN data problems, but from our own observations and anecdotal information from State officials we also deduce that these problems arise largely because some vessels never obtained valid HINs, and in some cases vessel owners have misreported their HIN numbers. To improve the quality of the data contained in the databases, we will require verification of the vessel's actual valid HIN or the assignment of such a HIN to the vessel. States can also take additional measures to ensure data quality. We have modified the HIN verification requirement in response to the cost and burden concerns our commenters raised. We will not require State personnel to affix HINs to vessels themselves. Instead, each State may use methods of its choosing to verify that each vessel's owner has affixed a valid primary HIN. Examples of such methods are (1) owner verification, whereby the State could ask the owner of the vessel to visually inspect the visible HIN that is on the boat and report the correct information back to the State and (2) third party verification, whereby a volunteer organization like the Coast Guard Auxiliary would perform the visual inspection of a boat's visible HIN. The HIN requirement has been in place since 1972 and documentation for vessel registration is already required for that long-established process. This is an extra step in the current process to help ensure that the visible HIN on the vessel is properly recorded in the appropriate databases.

Seven commenters objected to our changing "State of principal use" to read "State of principal operation" wherever it occurs. Both terms provide a test for identifying the State responsible for SNS, VIS, or BARD information. One of these commenters said the change "has the potential to create unnecessary confusion and unintended consequences." We are shifting to "State of principal operation" because that is the language used since 1983 in the recreational boating statutes

codified in Title 46 of the U.S. Code. Another of these seven commenters asked us to confirm that the State in whose waters a vessel is moored or stored in readiness for use may be that vessel's State of principal operation. On the contrary, in amending 33 CFR 173.5, this final rule defines "state of principal operation" essentially the same as "state of principal use" was defined prior to 1983: the focus is on where the boat is operated a majority of the time and not on where it is moored or stored. Neither a vessel owner nor the vessel itself has to physically reside in the state where the vessel is numbered.

Two commenters supported our proposed addition of VIS waiver provisions. A third commenter said we could also encourage State participation in VIS by making it clear that States may search the VIS database for information on vessel title and liens. It is true that VIS is statutorily structured to capture title and lien data, if it is voluntarily provided by participating States. At this time, States are not providing those data because they themselves do not collect them. If this situation changes, and States start capturing title and lien data with VIS, those data will be available to all VIS-participating States, as is the case with all other VIS data. Three commenters objected to requiring a vessel owner applying for a certificate of number to present some unique owner identification. They cited the difficulties their States could have in adopting implementing legislation, objected to the burden of collecting the additional information, or questioned its value. The Coast Guard believes that it is important to have some mechanism to differentiate between similar or identical names. The final rule provides flexibility for each State to determine which type of unique identifier best fits its system.

Six commenters made specific requests for additional clarification or modification of terminology. In most cases we have granted those requests, but others—for example, the suggestion that we should require the collection of information for 42 vessel subtypes—are beyond the scope of this rulemaking.

Seven commenters made miscellaneous and minor suggestions for altering the proposed regulatory text. We address most of these in the final rule.

Table 1 lists the regulatory sections affected by this final rule, links each section's changes to one of the four basic issues (terminology, HINs, PII, and flexibility) previously discussed or states "n/a" (not applicable), summarizes what was proposed in the NPRM, and discusses any changes that

we are making in the final rule. It omits discussion of several non-substantive style or format changes made solely to improve the clarity of our regulatory language.

TABLE 1—CHANGES MADE BY THIS RULE

33 CFR section affected	Basic issues	NPRM proposal	Changes from the NPRM for the final rule
Purpose; preemptive effect, § 173.1	n/a	Not included in the NPRM	Add language describing the basis for and extent of our preemption of State regulatory action, in alignment with the discussions of Federalism contained in the Regulatory Analyses sections of both the NPRM and this final rule.
Definitions, § 173.3	Terminology	Add or revise definitions to align with substantive changes.	Add the Title 1 U.S. Code definition of “vessel” and make minor clarifying changes in the definitions of “auxiliary sail,” “cabin motorboat,” “certificate of number,” “hull identification number,” “inboard,” “open motorboat,” “owner,” “personal watercraft,” “State,” and “sterndrive.” Remove definitions of “permitted events,” “towed watersports,” and “whitewater boating” because we are not using those terms in the final rule’s version of amendments to part 173.
Vessel number required, § 173.15	Terminology	Substitute “State of principal operation” for “State in which the vessel is principally used” to align with statutory language.	No change.
Other numbers prohibited, § 173.19	Terminology	Substitute “operate” for “use” to align with statutory language.	No change.
Certificate of number required, § 173.21	Terminology	Substitute “operate” and “operated” for “use” and “used” to align with statutory language.	No change.
Inspection of certificate, § 173.23	Terminology	Substitute “operating” for “using” to align with statutory language.	No change.
Location of certificate of number, § 173.25.	Terminology	Substitute “operate” for “use” to align with statutory language.	No change.
Removal of number, § 173.33	Terminology	Substitute “operated” for “used” to align with statutory language.	No change.
Coast Guard validation sticker, § 173.35	Terminology	Substitute “operate” for “use” to align with statutory language.	No change.
Applicability, § 173.51	Terminology	Substitute “operated” for “used” to align with statutory language.	No change.
Contents of report, § 173.57	Terminology	Revise casualty and accident report contents to align terminology with statutory language, modernize terminology, and require additional information about property owners and the use of fire extinguishers; implementation deferred until January 1, 2017.	Eliminate requirements for describing the vessel’s operation and activity at the time of a casualty or accident and whether the vessel was or was not involved in a permitted event and the nature of the casualty or accident (paragraphs (c)(22), (23), (24), and (25) in the NPRM), eliminate the requirement for reporting the telephone numbers of property owners, and in response to a comment, change “incident” to “casualty or accident.” No change in the date of implementation.
Where to report, § 173.59	n/a	Require casualty and accident report to be filed with the State where the incident occurred (eliminate current option of filing in the State where the vessel is principally operated or registered).	Withdraw proposed amendment because it is not related to a basic issue.
Application for and issuance of certificate of number, § 173.71.	Terminology	Authorize issuance of original or duplicate certificates for clarity and modernize terminology.	No change.
Duplicate certificate of number, § 173.73	n/a	Remove section and transfer substance to § 173.71.	No change.

TABLE 1—CHANGES MADE BY THIS RULE—Continued

33 CFR section affected	Basic issues	NPRM proposal	Changes from the NPRM for the final rule
Validity of certificate of number, § 173.77.	Terminology	Substitute “operated” for “used” to align with statutory language.	No change.
Issuing authorities and reporting authorities 33 CFR part 173, Appendix A.	Terminology	Substitute “operation” for “use” to align with statutory language.	No change.
Applicability; preemptive effect, § 174.1	n/a	Add preemption language to align with discussion of Federalism.	No change.
Definitions, § 174.3	Terminology	Add or revise definitions to align with substantive changes.	For better clarity, add the Title 1 U.S. Code definition of “vessel” and a definition for “operate,” and make minor clarifying changes in the definitions of “auxiliary sail,” “cabin motorboat,” “certificate of number,” “hull identification number,” “inboard,” “open motorboat,” “owner,” “personal watercraft,” and “State.”
Verification of HIN, § 174.16	HINs	Require States to verify a vessel’s compliance with HIN requirements or affix valid HIN; 3-year deferral of implementation.	Require States to verify that a vessel has a valid primary HIN, but State personnel will not be required to affix valid HINs themselves. Defer implementation for more than 4 full years, to Jan. 1, 2017, rather than the three years proposed in the NPRM.
Contents of application for certificate of number, § 174.17.	Terminology PII	Require unique personal identifier, align and modernize terminology; 3-year deferral of implementation.	Make minor clarifying changes in several terms per commenter suggestions. Restore the ZIP code, which appears in the current regulation but which did not appear in the NPRM, as a required element of the owner’s address information. Defer implementation for more than 4 full years, to Jan. 1, 2017, rather than the three years proposed in the NPRM.
Contents of a certificate of number, § 174.19.	Terminology HINs	To facilitate data verification for law enforcement and maritime security purposes, delete current option for owners of vessels with HINs to omit certain information; align and modernize terminology; 3-year deferral of implementation.	Make minor clarifying changes in several terms per commenter suggestions. Restore the ZIP code, which appears in the current regulation but which did not appear in the NPRM, as a required element of the owner’s address information. Defer implementation for more than 4 full years, to Jan. 1, 2017, rather than the three years proposed in the NPRM.
Temporary certificates, § 174.21	Terminology HINs	Clarify, add HIN as required information, substitute “operated” for “used” to align with statutory language; 3-year deferral of implementation.	Clarify that, as in existing 33 CFR 174.17 and 174.19, vessel length means overall length. Defer implementation for more than 4 full years, to Jan. 1, 2017, rather than the three years proposed in the NPRM.
Forwarding of casualty or accident reports, § 174.121.	Terminology	Update address information and add electronic submission option to allow for choices in reporting method and align with Federal e-Government initiatives.	No change.
Coast Guard address, § 174.125	Terminology	Update address information	No change.
Purpose and applicability; preemptive effect, § 181.1.	n/a	Add preemption language to align with discussion of Federalism.	No change.
Definitions, § 181.3	Terminology	Add or revise definitions to align with substantive changes.	Change the word order, without altering the sense of, the definition of “manufacturer,” per commenter suggestion.

TABLE 1—CHANGES MADE BY THIS RULE—Continued

33 CFR section affected	Basic issues	NPRM proposal	Changes from the NPRM for the final rule
Hull identification numbers required, § 181.23.	Terminology HIN Flexibility.	Add new (b)(revise and relocate current language from § 181.31(c)), and substitute “agency designated by the issuing authority” for references to the State boating law administrator to provide States with additional administrative flexibility.	Remove requirement for State personnel to affix valid HINs and make minor wording change.
Manufacturer identification code assignment, § 181.31.	n/a	Remove (c) (relocated to § 181.23)	No change.
How is a State’s participation in VIS documented? § 187.11.	Flexibility	Revise section for additional State administrative flexibility.	Make minor style changes.
What information must be collected to identify a vessel owner? § 187.101.	Terminology	N/A	Make minor clarifying changes in several terms per commenter suggestions.
What information must be collected to identify a vessel? § 187.103.	Terminology	Add “of vessel” in (h), and revise (i)–(n) for clarity and modern terminology.	Make minor clarifying changes in several terms per commenter suggestions.

VI. Regulatory Analyses

We developed this final rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 14 of these statutes or executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (“Regulatory Planning and Review”) and 13563 (“Improving Regulation and Regulatory Review”) direct agencies to assess the 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule has not been designated a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, the final rule has not been reviewed by the Office of Management and Budget.

We summarize the public comments we received on the NPRM in the “Discussion of Comments and Changes” section of this preamble. In response to public comments we modified the NPRM proposal as shown in Table 1. We lengthened the deferral period for implementing some changes, like the requirement for State verification of HINs. We modified the proposal for States to affix HIN numbers to vessels; now, State officials will not be required to affix the HIN themselves. We provided additional clarity to terminology and withdrew a change to

the location at which to file a boating accident report.

These changes result in a reduction in the cost of this rule from the initial estimate in the NPRM. Modifying the HIN verification requirement and lengthening the deferral period reduces the present value of the remaining costs, for the period of analysis, from \$38.0 million to \$21.4 million at a 7-percent discount and from \$46.0 million to \$27.4 million at a 3-percent discount.

We have found no additional data or information that further changed our findings of the undiscounted costs for the individual provisions of the rule (the costs of HIN verifications, the cost of changes to boating accident reporting, and the costs to change to Certificates of Number).

Table 2 compares the original regulatory impacts published in the NPRM and the revised impacts of this final rule:

TABLE 2—COMPARISON OF REGULATORY IMPACTS, NPRM AND FINAL RULE, 7 PERCENT DISCOUNT RATE

Category	NPRM	Final rule
Annualized	\$5.4	\$3.1
Ten-year	38.0	21.4

A combined “Final Regulatory Analysis and Final Regulatory Flexibility Analysis” is available in the docket where indicated under the “Public Participation and Request for Comments” section of this preamble. A summary of the analysis follows:

Coast Guard regulations in 33 CFR parts 173 and 174 implement two statutory mandates relating to undocumented vessels equipped with propulsion machinery of any kind. First,

the regulations provide for an SNS that assigns unique identification numbers to those vessels, as required by 46 U.S.C. 12302. Second, the regulations provide for the uniform reporting by each State of recreational vessel and certain undocumented vessel casualty and accident data, as required by 46 U.S.C. 6102. The Coast Guard maintains a BARD that contains this information.

The Coast Guard is statutorily required to maintain a VIS, which covers not only the undocumented vessels to which SNS applies, but also documented vessels and any vessel titled under State law. The VIS information system comprises data from vessels that the Coast Guard documents and vessel data from 32 voluntarily participating States. The VIS is used for identifying recreational, commercial, and public vessels that are numbered or titled under the laws of a state or territory. VIS includes information to identify vessels, vessel owners, and information to assist law enforcement officials in the investigation of stolen vessels or other legal investigation, such as fraud. That information includes the personally identifiable information that 46 U.S.C. 12501(a)(2) and (b) require.

The Coast Guard is amending its rules to promote uniformity between the SNS, VIS, and BARD.

The changes from this rule will enhance the capabilities of Federal, State, and local boating safety and law enforcement officials. These changes will result in additional costs and benefits. In general, this rule will—

- Require States to verify that a valid primary vessel HIN has been affixed to each vessel for which a certificate of number is being issued, renewed, or upon the transfer of a vessel’s ownership;

- Align terminology used by SNS, BARD, and VIS to describe recreational vessels and certain undocumented vessels and their operations;
- Modernize terminology to reflect statutory usage and current recreational vessel types, operations and equipment. States have until January 1, 2017 to update their systems to use the newer terminology;
- Require the collection of unique identification information for each vessel owner who applies for an SNS number. States have until January 1, 2017 to implement this change; and
- Provide additional administrative flexibility for States, for example, by adding waiver provisions for VIS participation.

We estimate that this rule affects approximately 12.4 million vessels. The harmonization of terminology and the additional questions on the forms used to collect the data for the SNS affects all recreational vessels and certain undocumented vessels. The harmonization of terminology and the additional questions on the forms used to collect information from boating casualties affects those recreational vessels and certain undocumented vessels involved in boating accidents. There are approximately 5,094 boating accidents annually. Approximately 91 percent of recreational boats and certain undocumented vessels that this rule affects appear to be in compliance with the HIN requirement already, leaving 9

percent potentially needing to have HINs verified.²

The implementation of these requirements will begin on January 1, 2017. This is a delay in implementation compared to the NPRM, in which it was proposed that implementation would begin on January 1 of Year 4, which would be 2015. Costs will be incurred beginning with the year prior to rule implementation, 2016, due to the need to prepare for the January 1, 2017 implementation.

We estimated the total average costs of this rulemaking over a 10-year period as summarized in Table 3, which compares the costs in this final rule to those in the NPRM, which used a 3-year delay in implementation. Cost estimates are presented at a 7-percent discount.

TABLE 3—SUMMARY OF COSTS
[Millions of dollars]

Year	Final rule		NPRM	
	7 Percent discount rate	Undiscounted	7 Percent discount rate	Undiscounted
2012	\$0.0	\$0.0	\$0.0	\$0.0
2013	0.0	0.0	0.0	0.0
2014	0.0	0.0	13.5	16.5
2015	0.0	0.0	7.8	10.2
2016	8.4	11.7	5.6	7.9
2017	4.8	7.2	2.5	3.8
2018	3.5	5.7	2.4	3.8
2019	1.7	2.9	2.2	3.8
2020	1.6	2.9	2.1	3.8
2021	1.5	2.9	1.9	3.8
Total*	21.4	33.3	38.0	53.6
Annualized	3.1	3.3	5.4	5.4

* Figures may not sum due to rounding.

The main cost driver for this rule is the issuing authority verification of the HIN with documentation or visual inspection of the vessel when no proper record of the HIN exists. The issuing authority, usually the State, has the option to choose the most suitable verification method. Examples of such methods are (1) owner verification, whereby the State could ask the owner of the vessel to visually inspect the visible HIN that is on the boat and report the correct information back to the State and (2) third party verification, whereby a volunteer organization like the Coast Guard Auxiliary would perform the visual inspection of a boats' visible HIN. The HIN requirement has been in place since 1972 and documentation for vessel registration is already required for that long-

established process. This is an extra step in the current process to help ensure that the visible HIN on the vessel is properly recorded in the appropriate databases.

Some of the owners of these vessels will be able to correct any discrepancies easily, but the States may require others to transport the vessel to the issuing authority in order to have the HIN verified. The HIN verification makes up approximately 89 percent (10.5 million, non-discounted) of the first-year cost of implementation and approximately 66 percent (1.9 million, non-discounted) of the annual recurring cost.

The final rule aims to improve the information within various databases by increasing the quality of the information and by harmonizing terminology. This enhanced information and subsequent cross-reference between the databases

are benefits that will accrue to all users of these databases. The Coast Guard and others use the SNS, VIS and BARD information in decision-making situations. These situations include the methodical design of new boating safety initiatives as well as split-second decisions made by law enforcement officers in the field.³ Some of the benefits of the HIN verification may accrue to the boat owner or other entity associated with the vessel. For example, a verified HIN properly linked to the boat owner can aid in the return of a stolen vessel.

The "Final Regulatory Analysis and Final Regulatory Flexibility Analysis" available in the docket provides additional detail on the costs and benefits of this rulemaking.

² We obtained information on boat hull identification numbers from Info-Link, which is the

company that administers the Coast Guard's Vessel Identification System.

³ See the Collection of Information OMB 1625-0108 supporting documentation for further information.

B. Small Entities

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

A combined “Final Regulatory Analysis and Final Regulatory Flexibility Analysis” discussing the impact of this rule on small entities is available in the docket where indicated under the **ADDRESSES** section of this preamble. A summary of the analysis follows:

The rule regulates recreational vessels and certain undocumented, State-numbered vessels. Individuals, such as the recreational vessel owners regulated by this rule, are not small entities under the definition of a small entity in the Regulatory Flexibility Act (RFA).⁴

We estimate that there are potentially 136,209 owners of certain undocumented vessels used for commercial purposes that may be affected by parts of this rulemaking. Of these, there are potentially 12,259 vessel owners who may have to have their vessel HIN verified.

Based on available data, we determined that over 90 percent of the owners of vessels used for commercial purposes could be small entities according to small entity size standards defined by the Small Business Administration and the Regulatory Flexibility Act. We found that many small entities affected by this rule were owners and operators in the industry categories of engine equipment manufacturing, boat dealers, hotels, business support services and amusement and recreation.

Based on our assessment of the impacts, we determined that all owners or operators affected by this rule will incur a direct cost of compliance of less than 1 percent of revenue.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered in our NPRM to assist small

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

D. Collection of Information

This rule affects three collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). It will modify existing Office of Management and Budget (OMB) Collection of Information; OMB Control Number 1625–0003, “Coast Guard Boating Accident Report Form”; OMB Control Number 1625–0070, “Vessel Identification System”; and OMB Control Number 1625–0108, “Standard Numbering System for Undocumented Vessels”.

As defined in 5 CFR 1320.3(c), “collection of information” comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

The rule will add to the recordkeeping and reporting requirements of vessel owners and agencies involved in issuing vessel registration and reporting boating accidents.

The issuing authority will have to modify the boating casualty report form, modify the certificate of number application and, in cases where necessary, verify that valid HINs are properly affixed to the vessel and recorded. The owners of recreational vessels and certain undocumented vessels will have to answer more questions when they or their vessels are involved in a boating accident and when applying for a Certificate of Number. Owners of recreational vessels

and certain undocumented vessels will have to have the issuing authority verify a valid HIN upon the issuance, reissue, sale or transfer of a vessel.

For additional detail and information on the burden of this rule, see the final regulatory analysis available in the docket. A summary of each collection amendment and associated burden follows:

Title: Coast Guard Boating Accident Report Form

OMB Control Number: 1625–0003.

Summary of the Collection of Information: Federal regulations (33 CFR 173.55) require the operator of any vessel that is numbered or used for recreational purposes to submit an accident report to the issuing authority where the accident occurred.

Need for Information: 46 U.S.C. 6102(a) requires a uniform marine casualty reporting system, with regulations prescribing casualties to be reported and the manner of reporting.

Proposed Use of Information: The Coast Guard uses accident data and statistical information received from the current collection to establish National Recreational Boating Safety (RBS) Program goals, objectives, strategies and performance measures; report RBS Program performance to Congress in the performance and budget reports; identify possible manufacturer defects in boats or equipment; develop boat manufacturing standards; develop safe boating education and accident prevention programs; and publish accident statistics in accordance with Title 46 U.S.C. 6102.

Description of Respondents:

Operators of recreational boats and certain undocumented vessels and governments of States.

Number of Respondents/Reports: The estimated number of respondents is 56, both current and revised. The revised estimated number of reports is 5,094, compared to the current estimate of 5,000. The higher number of reports is based on an increase in the average number of reports, not a programmatic change.

Frequency of Response: On occasion. Specifically, within 30 days of a State’s receipt of a report as prescribed by 33 CFR 174.121 (Forwarding of casualty or accident reports).

Burden of Response: The estimated revised burden is 2,970 hours per year. The current burden is 2,500.

There is an estimated 35-minute burden to a respondent for each report filed for an annual estimated burden of 2,970 hours for the estimated 5,094 reports.

⁴ These are individuals that do not use vessels for commercial purposes.

Title: Vessel Identification System

OMB Control Number: 1625–0070.

Summary of the Collection of Information: The Coast Guard established a nationwide vessel identification system (VIS) and centralized certain vessel documentation functions. VIS provides participating States with access to data on vessels numbered by States. Participation in VIS is voluntary.

Need for Information: 46 U.S.C. 12501 mandates the establishment of a VIS. 33 CFR part 187 prescribes the requirements of VIS.

Proposed Use of Information: This information collection supports the strategic goals of the Department of Homeland Security, the Coast Guard and the Marine Safety, Security and Stewardship Directorate (CG–5).

Description of Respondents: Operators of recreational boats and certain undocumented vessels and governments of States.

Number of Respondents and Responses: The estimated number of respondents is 56, both revised and current.

Frequency of Response: Daily.

Burden of Response: The estimated burden remains 5,456 hours a year.

Title: Standard Numbering System for Undocumented Vessels

OMB Control Number: 1625–0108.

Summary of the Collection of Information: The SNS collects information on undocumented vessels and vessel owners. States submit reports annually to the Coast Guard on the number, size, construction, etc., of the vessels they have numbered. The Coast Guard uses that information in the publication of its annual “Boating Statistics” report that 46 U.S.C. 6102(b) requires and in the allocation of Federal funds to assist in carrying out the Recreational Boating Safety (RBS) Program which 46 U.S.C. chapter 131 established.

Need for Information: On a daily basis or as warranted, Federal, State, and local law enforcement personnel use SNS information from the States’ numbering systems for enforcement of boating laws or theft and fraud investigations. In addition, information from the SNS increases officer safety by assisting boarding officers in determining how best to approach a vessel suspected of illegal activity.

Proposed Use of Information: Federal, State, and local law enforcement personnel use SNS information from the States’ numbering systems for enforcement of boating laws or theft and fraud investigations. The Coast Guard

uses the information in the publication of an annual “Boating Statistics” report that 46 U.S.C. 6102(b) requires and in the allocation of Federal funds to assist States in carrying out the Recreational Boating Safety (RBS) Program, which 46 U.S.C. chapter 131 established.

Description of Respondents: Operators of recreational boats and certain undocumented vessels and governments of States.

Number of Respondents and Responses: The estimated number of respondents is 56, both revised and current. The revised estimate of the number of responses is 4,644,142 compared to the current 4,333,333.

Frequency of Response: Daily as necessary.

Burden of Response: The revised estimate of the number of burden hours per year is 385,464, compared to the current burden hours of 286,458.

There are no collection costs to the Federal Government for the SNS because States implement the program.

As required by 44 U.S.C. 3507(d), we submitted a copy of the proposed rule to the Office of Management and Budget (OMB) for its review of the collections of information. OMB has not yet completed its review of these collections. Therefore, the Coast Guard cannot enforce the collections contained in 33 CFR 173.57(c), 174.16(b), 174.17(c), or 174.19(c) until its information collection requests are approved by OMB. We will publish a document in the **Federal Register** informing the public of OMB’s decision to approve, modify, or disapprove the collection.

You are not required to respond to a collection of information unless it displays a currently valid OMB control number.

E. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard.

The regulations in 33 CFR part 173 subparts A, B, and D, and part 174 subparts A, B, and D are issued pursuant to 46 U.S.C. 12301 and 12302 and expressly preempt conflicting State or local regulation. Congress intended these regulations to be preemptive as State numbering systems, once approved by the Secretary, must be consistent with the Federal standard numbering system and must adopt the

definitions of relevant terms prescribed by the Secretary. Should a State amend its numbering system without the approval of the Secretary, or administer its system in an inconsistent manner to the Federal numbering system, the Secretary may withdraw his or her approval. Therefore, since State numbering systems cannot deviate from the Federal numbering system prescribed by the Secretary, the Federal regulations are preemptive. The regulations in 33 CFR part 173 subpart C and part 174 subpart C are issued pursuant to 46 U.S.C. 6101. 46 U.S.C. 6101 states that the “Secretary shall prescribe regulations on the marine casualties to be reported and the manner of reporting.” The statute requires, among other things, the reporting of the death of an individual, serious injury to an individual, material loss of property, material damage affecting the seaworthiness or efficiency of the vessel, and significant harm to the environment.

The Supreme Court has held that “Congress intended that the Coast Guard regulations be the sole source of a vessel’s reporting obligations * * *” and that Coast Guard regulations promulgated pursuant to the authority of 46 U.S.C. 6101 were not intended by Congress “to be cumulative to those enacted by each political subdivision whose jurisdiction a vessel enters.” See the decision of the Supreme Court in the consolidated cases of *United States v. Locke* and *Intertanko v. Locke*, 529 U.S. 89, 115–116. Therefore, the Coast Guard’s view is that regulations issued under the authority of 46 U.S.C. 6101 for marine casualty reporting requirements have preemptive effect over State regulation in these fields, except to the extent that Congress requires the Coast Guard to allow State casualty reporting systems pursuant to 46 U.S.C. chapter 131.

The regulations in 33 CFR part 181 are issued pursuant to 46 U.S.C., chapter 43; specifically section 4302. Under another section of that chapter, section 4306, Federal regulations establishing minimum safety standards for recreational vessels and associated equipment, and establishing procedures and tests required to measure conformance with those standards, preempt State law, unless the State law is identical to a Federal regulation or a State is specifically provided an exemption to those regulations, or permitted to regulate marine safety articles carried or used to address a hazardous condition or circumstance unique to that State.

The regulations in 33 CFR part 187 are currently issued pursuant to 46

U.S.C. 2103. We are adding 46 U.S.C. 12501 as an additional authority. Because State participation in the VIS is entirely voluntary, the regulations in this part do not have preemptive impact over State regulation in this field. However, once electing to participate, a State must comply with the requirements of this part to ensure integrity and uniformity of information in both the SNS and VIS.

The Coast Guard recognizes the key role State and local governments may have in making regulatory determinations. Additionally, sections 4 and 6 of Executive Order 13132 require that for any rules with preemptive effect, the Coast Guard must provide elected officials of affected State and local governments and their representative national organizations the notice and opportunity for appropriate participation in any rulemaking proceedings and to consult with such officials early in the rulemaking process. Therefore, in the NPRM, we invited affected State and local governments and their representative national organizations to indicate their desire for participation and consultation in this rulemaking process by submitting comments to the docket. We received no comments from an elected official or organization that represents such officials, though we did receive many comments from appointed State officials who have responsibility for administering boating safety laws, and from the national organization that represents those officials. We meet regularly with many of these officials and in most cases they have long been aware of our interest in the changes made by this final rule. Their concerns, our position on those concerns, and the actions we have taken to address them, are discussed in detail in part V of this preamble, "Discussion of Comments and Changes."

Additionally, President Obama's Memorandum of May 20, 2009 titled "Preemption," states that "preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption." To that end, when a department or agency intends to preempt State law, it should do so only if justified under legal principles governing preemption, including those outlined in Executive Order 13132, and it should also include preemption provisions in the codified regulation. In accordance with this memorandum, the Coast Guard has included in the final rule regulatory text the statutory provisions granting it preemption authority as well as

language indicating its intent to preempt conflicting state or local regulation, when required.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble. No public comments were received on this subject in response to our NPRM, and we made no changes affecting the subject for the final rule.

G. 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. No public comments were received on this subject in response to our NPRM, and we made no changes affecting the subject for the final rule.

H. 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. No public comments were received on this subject in response to our NPRM, and we made no changes affecting the subject for the final rule.

I. 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. No public comments were received on this subject in response to our NPRM, and we made no changes affecting the subject for the final rule.

J. 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. No public comments were received on this subject in response to our NPRM, and we made no changes affecting the subject for the final rule.

K. Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. No public comments were received on this subject in response to our NPRM, and we made no changes affecting the subject for the final rule.

L. Technical Standards

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

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

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321–4370f), and have concluded 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 is categorically excluded under section 2.B.2, figure 2–1, paragraph (34)(a) and (d) of the Instruction. This rule involves regulations which are editorial or procedural, such as those updating addresses or establishing application

procedures; and regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 173

Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 174

Intergovernmental relations, Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 181

Labeling, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements.

33 CFR Part 187

Administrative practice and procedure, Marine safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 173, 174, 181, and 187 as follows:

PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

- 1. The authority citation for part 173 is revised to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2110, 6101, 12301, 12302; OMB Circular A-25; Department of Homeland Security Delegation No. 0170.1.

- 2. Revise § 173.1 to read as follows:

§ 173.1 Purpose; preemptive effect.

This part prescribes requirements for numbering vessels and for reporting casualties and accidents to implement sections 6101, 6102, 12301, and 12302 of Title 46, United States Code. The regulations in subparts A, B, and D of this part have preemptive effect over conflicting State or local regulation. The regulations in subpart C of this part have preemptive effect over State or local regulation within the same field, except to the extent that Congress requires the Coast Guard to allow State casualty reporting systems pursuant to 46 U.S.C. chapter 131.

- 3. Revise § 173.3 to read as follows:

§ 173.3 Definitions.

As used in this part—

Airboat means a vessel that is typically flat-bottomed and propelled by an aircraft-type propeller powered by an engine.

Auxiliary sail means a vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method.

Cabin motorboat means a vessel propelled by propulsion machinery and providing enclosed spaces inside its structure.

Certificate of number means the certificate required by § 173.21 of this part.

Houseboat means a motorized vessel that is usually non-planing and designed primarily for multi-purpose accommodation spaces with low freeboard and little or no foredeck or cockpit.

Hull identification number or *HIN* means a number required by 33 CFR 181.23.

Inboard, in the context of an engine, means an engine mounted inside the confines of a vessel which powers a drive shaft that turns a water jet impeller or that runs through the bottom of the hull and is attached to a propeller at the other end.

Inflatable boat means a vessel that uses air-filled flexible fabric for buoyancy.

Issuing authority means a State listed in Appendix A of this part as having a numbering system approved by the Coast Guard or the Coast Guard itself when a State numbering system has not been approved.

Open motorboat means a vessel equipped with propulsion machinery and having an open load carrying area that does not have a continuous deck to protect it from the entry of water.

Operate means use, navigate, or employ.

Operator means the person who is in control or in charge of a vessel while it is in operation.

Outboard, in the context of an engine, means an engine with propeller or water jet integrally attached, which is usually mounted at the stern of a vessel.

Owner means a person, other than a secured party, having property rights in or title to a vessel, including persons entitled to use or possess a vessel subject to a security interest in another person, but excluding lessees under a lease not intended as security.

Paddlecraft means a vessel powered only by its occupants, using a single or double-bladed paddle as a lever without the aid of a fulcrum provided by oarlocks, thole pins, crutches, or similar arrangements.

Person means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

Personal watercraft means a vessel propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing within the vessel's hull.

Pod drive means an engine mounted in front of the transom of a vessel and attached through the bottom of the hull to a steerable propulsion unit.

Pontoon boat means a vessel with a broad, flat deck that is affixed on top of closed cylinders which are used for buoyancy, the basic design of which is usually implemented with two rows of floats as a catamaran or with three rows of floats as a trimaran.

Reporting authority means a State listed in Appendix A of this part as having a numbering system approved by the Coast Guard or the Coast Guard itself when a numbering system has not been approved.

Rowboat means an open vessel manually propelled by oars.

Sail only means a vessel propelled only by sails.

State means a State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and any other territory or possession of the United States.

State of principal operation means the State in whose waters a vessel is or will be operated most during a calendar year.

Stern drive means an engine, powering a propeller through a series of shafts and gears, mounted in front of the transom of a vessel and attached through the transom to a drive unit that is similar to the lower unit of an outboard; and may also be known as an inboard-outdrive or an inboard-outboard.

Vessel means every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.

§ 173.15 [Amended]

- 4. In § 173.15(a)(1) and (b), remove the words “State in which the vessel is principally used” wherever they occur, and add, in their place, the words “State of principal operation”.

§ 173.19 [Amended]

- 5. In § 173.19, remove the word “use” and add, in its place, the word “operate”.

§ 173.21 [Amended]

- 6. Amend § 173.21 as follows:
 - a. In paragraph (a) introductory text, remove the word “use” and add, in its place, the word “operate”; and

■ b. In paragraph (a)(1), remove the word “used” and add, in its place, the word “operated”.

§ 173.23 [Amended]

■ 7. In § 173.23, remove the word “using” and add, in its place, the word “operating”.

§ 173.25 [Amended]

■ 8. In § 173.25, remove the word “use” and add, in its place, the word “operate”.

§ 173.33 [Amended]

■ 9. In § 173.33(c), remove the word “used” and add, in its place, the word “operated”.

§ 173.35 [Amended]

■ 10. In § 173.35, remove the word “use” and add, in its place, the word “operate”.

§ 173.51 [Amended]

■ 11. In § 173.51(a) introductory text and (a)(1), remove the word “used” and add, in its place, the word “operated”.

■ 12. Revise § 173.57 to read as follows:

§ 173.57 Contents of report.

(a) Each report required by § 173.55 of this subpart must be in writing, dated upon completion, and signed by the person who prepared it.

(b) Until January 1, 2017, each report must contain, if available, at least the following information about the casualty or accident:

(1) Number and name of each vessel involved;

(2) Name and address of each owner of each vessel involved;

(3) Name of the nearest city or town, the county, the State, and the body of water;

(4) Time and date the casualty or accident occurred;

(5) Location on the water;

(6) Visibility, weather, and water conditions;

(7) Estimated air and water temperatures;

(8) Name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report;

(9) Name and address of each operator of each vessel involved;

(10) Number of persons onboard or towed on skis by each vessel;

(11) Name, address, and date of birth of each person injured or killed;

(12) Cause of each death;

(13) Weather forecasts available to and weather reports used by the operator before and during the use of the vessel;

(14) Name and address of each owner of property involved;

(15) Availability and use of personal flotation devices;

(16) Type and amount of each fire extinguisher used;

(17) Nature and extent of each injury;

(18) Description of all property damage and vessel damage with an estimate of the cost of all repairs;

(19) Description of each equipment failure that caused or contributed to the cause of the casualty;

(20) Description of the vessel casualty or accident;

(21) Type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, explosion, or other);

(22) Opinion of the person making the report as to the cause of the casualty, including whether or not alcohol or drugs, or both, was a cause or contributed to causing the casualty;

(23) Make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year) of the reporting operator's vessel;

(24) Name, address, and telephone number of each witness;

(25) Manufacturer's hull identification number, if any, of the reporting operator's vessel; and

(26) Name, address, and telephone number of the person submitting the report.

(c) As of January 1, 2017, each report must contain, if available, at least the following information about the casualty or accident:

(1) Number and name of each vessel involved;

(2) Name and address of each owner of each vessel involved;

(3) Name of the nearest city or town, the county, the State, and the body of water;

(4) Time and date the casualty or accident occurred;

(5) Location on the water;

(6) Visibility, weather, and water conditions;

(7) Estimated air and water temperatures;

(8) Name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report;

(9) Name and address of each operator of each vessel involved;

(10) Number of persons onboard or towed on skis by each vessel;

(11) Name, address, and date of birth of each person injured or killed;

(12) Cause of each death;

(13) Weather forecasts available to and weather reports used by the operator before and during the use of the vessel;

(14) Name and address of each owner of property involved;

(15) Availability and use of personal flotation devices;

(16) Type and number of each fire extinguisher used;

(17) Nature and extent of each injury;

(18) Description of all property damage and vessel damage with an estimate of the cost of all repairs;

(19) Description of each equipment failure that caused or contributed to the cause of the casualty;

(20) Description of the vessel casualty or accident;

(21) Type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, explosion, or other);

(22) Opinion of the person making the report as to the cause of the casualty, including whether or not alcohol or drugs, or both, was a cause of or contributed to causing the casualty.

(23) Characteristics of the reporting operator's vessel, including—

(i) Make;

(ii) Model;

(iii) Type: authorized terms are “air boat”, “auxiliary sail”, “cabin motorboat”, “houseboat”, “inflatable boat”, “open motorboat”, “paddlecraft”, “personal watercraft”, “pontoon boat”, “rowboat”, “sail only”, or “other”;

(iv) Beam width at widest point;

(v) Overall length of vessel;

(vi) Depth from transom to keel;

(vii) Horsepower;

(viii) Propulsion: authorized terms are “air thrust”, “manual”, “propeller”, “sail”, “water jet”, or “other”;

(ix) Fuel: authorized terms are “electric”, “diesel”, “gas”, or “other”;

(x) Engine drive type: authorized terms are “inboard”, “outboard”, “pod drive”, “sterndrive”, or “other”;

(xi) Hull material: authorized terms are “aluminum”, “fiberglass”, “plastic”, “rubber/vinyl/canvas”, “steel”, “wood”, or “other”; and

(xii) Model year;

(24) Name, address, and telephone number of each witness;

(25) Manufacturer's hull identification number, if any, of the reporting operator's vessel; and

(26) Name, address, and telephone number of the person submitting the report.

■ 13. Revise § 173.71 to read as follows:

§ 173.71 Application for and issuance of certificate of number.

(a) The owner of a vessel to which § 173.11 of this part applies and for which a certificate of number is required may apply for that certificate to the issuing authority for the vessel's State of principal operation listed in Appendix A of this part. The application must be made in the manner specified by the issuing authority and must be accompanied by payment of any fee required by the issuing authority.

(b) Upon determination that the owner's application for a certificate of number complies with the requirements of paragraph (a) of this section, the issuing authority may issue a certificate of number.

(c) A duplicate certificate of number may be applied for and issued as provided by paragraphs (a) and (b) of this section upon the owner's statement that the original certificate is lost or destroyed.

§ 173.73 [Removed and Reserved]

■ 14. Remove and reserve § 173.73.

§ 173.77 [Amended]

■ 15. In § 173.77(d), remove the word "used" and add, in its place, the word "operated".

Appendix A [Amended]

■ 16. In Appendix A to part 173, in paragraph (c), remove the word "use" and add, in its place, the word "operation".

PART 174—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

■ 17. The authority citation for part 174 continues to read as follows:

Authority: 46 U.S.C. 6101 and 12302; Department of Homeland Security Delegation No. 0170.1 (92).

■ 18. Revise § 174.1 to read as follows:

§ 174.1 Applicability; preemptive effect.

This part establishes a standard numbering system for vessels and a uniform vessel casualty reporting system for vessels by prescribing requirements applicable to the States for the approval of State numbering systems. The regulations in subparts A, B, and D of this part have preemptive effect over conflicting State or local regulation. The regulations in subpart C of this part have preemptive effect over State or local regulation within the same field, except to the extent that Congress requires the Coast Guard to allow State casualty reporting systems pursuant to 46 U.S.C. chapter 131.

■ 19. Revise § 174.3 to read as follows:

§ 174.3 Definitions.

As used in this part—

Airboat means a vessel that is typically flat-bottomed and propelled by an aircraft-type propeller powered by an engine.

Auxiliary sail means a vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method.

Cabin motorboat means a vessel propelled by propulsion machinery and providing enclosed spaces inside its structure.

Certificate of number means the certificate required by 33 CFR 173.21.

Charter fishing means a vessel carrying a passenger(s) for hire who is (are) engaged in recreational fishing.

Commercial fishing means a vessel that commercially engages in the catching, taking, or harvesting of fish which, either in whole or in part, is intended to enter commerce through sale, barter, or trade.

Houseboat means a motorized vessel that is usually non-planing and designed primarily for multi-purpose accommodation spaces with low freeboard and little or no foredeck or cockpit.

Hull identification number or *HIN* means a number required by 33 CFR 181.23.

Inboard, in the context of an engine, means an engine mounted inside the confines of a vessel which powers a drive shaft that turns a water jet impeller or that runs through the bottom of the hull and is attached to a propeller at the other end.

Inflatable boat means a vessel that uses air-filled flexible fabric for buoyancy.

Open motorboat means a vessel equipped with propulsion machinery and having an open load carrying area that does not have a continuous deck to protect it from the entry of water.

Operate means use, navigate, or employ.

Operator means the person who is in control or in charge of a vessel while it is in operation.

Outboard, in the context of an engine, means an engine with propeller or water jet integrally attached, which is usually mounted at the stern of a vessel.

Owner means a person, other than a secured party, having property rights in or title to a vessel, including persons entitled to use or possess a vessel subject to a security interest in another person, but excluding lessees under a lease not intended as security.

Paddlecraft means a vessel powered only by its occupants, using a single or double bladed paddle as a lever without the aid of a fulcrum provided by

oarlocks, thole pins, crutches, or similar arrangements.

Person means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

Personal watercraft means a vessel propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing within the vessel's hull.

Pod drive means an engine mounted in front of the transom of a vessel and attached through the bottom of the hull to a steerable propulsion unit.

Pontoon boat means a vessel with a broad, flat deck that is affixed on top of closed cylinders which are used for buoyancy, the basic design of which is usually implemented with two rows of floats as a catamaran or with three rows of floats as a trimaran.

Reporting authority means a State listed in 33 CFR part 173, Appendix A, as having a numbering system approved by the Coast Guard or the Coast Guard itself when a numbering system has not been approved.

Rowboat means an open vessel manually propelled by oars.

Sail only means a vessel propelled only by sails.

State means a State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, the U.S. Virgin Islands, and any other territory or possession of the United States.

State of principal operation means the State in whose waters a vessel is or will be operated most during a calendar year.

Sterndrive means an engine, powering a propeller using shifts and gears, mounted in front of the transom of a vessel and attached through the transom to a drive unit that is similar to the lower unit of an outboard, which may also be known as an inboard-outdrive or an inboard-outboard.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

■ 20. Add new § 174.16 to read as follows:

§ 174.16 Verification of hull identification numbers (HINs).

(a) As used in this section, "action" means an action by an issuing authority listed in 33 CFR part 173, Appendix A, to issue, renew, or update the ownership information for a certificate

of number under this part but does not include the issuance of a temporary certificate under 33 CFR 174.21.

(b) As of January 1, 2017, before taking any action relating to a vessel imported or manufactured on or after November 1, 1972, the issuing authority must determine whether the vessel has a primary HIN meeting the requirements of 33 CFR part 181, subpart C.

(c) If, pursuant to paragraph (b) of this section, the issuing authority determines that the vessel does not have a primary HIN meeting the requirements of 33 CFR part 181, subpart C, then before taking any action the issuing authority must—

(1) Assign such a primary HIN to the vessel; and

(2) Verify that the owner of the vessel has permanently affixed the assigned primary HIN to the vessel in compliance with 33 CFR part 181, subpart C.

■ 21. Revise § 174.17 to read as follows:

§ 174.17 Contents of application for certificate of number.

(a) An application for a certificate of number must contain the following information:

(1) Name of owner.

(2) Address of owner, including ZIP code.

(3) Owner identifier, which must be the owner's tax identification number, date of birth together with driver's license number, or date of birth together with other unique number.

(4) State of principal operation.

(5) Number previously issued by an issuing authority.

(6) Application type: Authorized terms are "new number", "renewal of number", or "transfer of ownership".

(7) Primary operation: Authorized terms are, "charter fishing", "commercial fishing", "commercial passenger carrying", "dealer or manufacturer demonstration", "other commercial operation", "pleasure", or "rent or lease".

(8) Make and model of vessel.

(9) Model year.

(10) Hull identification number, if any.

(11) Overall length of vessel.

(12) Vessel type: Authorized terms are "air boat", "auxiliary sail", "cabin motorboat", "houseboat", "inflatable boat", "open motorboat", "paddlecraft", "personal watercraft", "pontoon boat", "rowboat", "sail only", or "other".

(13) Hull material: Authorized terms are "aluminum", "fiberglass", "plastic", "rubber/vinyl/canvas", "steel", "wood", or "other".

(14) Propulsion type: Authorized terms are "air thrust", "manual", "propeller", "sail", "water jet", or "other".

(15) Engine drive type: Authorized terms are "inboard", "outboard", "pod drive", "sterndrive", or "other".

(16) Fuel: Authorized terms are "electric", "diesel", "gas", or "other".

(17) Signature of the owner.

(b)(1) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit the information under paragraphs (a)(9) through (a)(17) of this section.

(2) An application made by an owner of a vessel without propulsion machinery may omit the information under paragraphs (a)(16) and (a)(17) of this section.

(c) For an issuing authority listed in 33 CFR part 173, Appendix A on April 27, 2012, the requirements of paragraphs (a) and (b) of this section apply on January 1, 2017. Between April 27, 2012 and January 1, 2017, the issuing authority may continue to accept applications containing the contents required by that reporting authority prior to April 27, 2012.

■ 22. Revise § 174.19 to read as follows:

§ 174.19 Contents of a certificate of number.

(a) Except as allowed in paragraph (b) of this section, each certificate of number must contain the following information:

(1) Number issued to the vessel.

(2) Expiration date of the certificate.

(3) State of principal operation.

(4) Name of owner.

(5) Address of owner, including ZIP code.

(6) Primary operation: Authorized terms are, "charter fishing", "commercial fishing", "commercial passenger carrying", "dealer or manufacturer demonstration", "other commercial operation", "pleasure", or "rent or lease".

(7) Hull identification number, if any.

(8) Make and model of vessel.

(9) Model year.

(10) Overall length of vessel.

(11) Vessel type: Authorized terms are "air boat", "auxiliary sail", "cabin motorboat", "houseboat", "inflatable boat", "open motorboat", "paddlecraft", "personal watercraft", "pontoon boat", "rowboat", "sail only", or "other".

(12) Hull material: Authorized terms are "aluminum", "fiberglass", "plastic", "rubber/vinyl/canvas", "steel", "wood", or "other".

(13) Propulsion type: Authorized terms are "air thrust", "manual", "propeller", "sail", "water jet", or "other".

(14) Engine drive type: Authorized terms are "inboard", "outboard", "pod drive", "sterndrive", or "other".

(15) Fuel: Authorized terms are "electric", "diesel", "gas", or "other".

(b)(1) A certificate of number issued to a manufacturer or dealer for use on a vessel for test or demonstration purposes may omit the information under paragraphs (a)(7) through (a)(15) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(2) A certificate of number issued for a vessel without propulsion machinery may omit paragraphs (a)(14) and (a)(15) of this section if the words "manual vessel" are plainly marked on the certificate.

(3) An issuing authority may print on the certificate of number a quotation of State boating regulations or other boating-related information, such as safety reminders, registration, or law enforcement contact information.

(c) For an issuing authority listed in Appendix A of this part on April 27, 2012, the requirements of paragraphs (a) and (b) of this section apply on January 1, 2017. Between April 27, 2012 and January 1, 2017, the issuing authority may continue to issue certificates of number containing the contents in effect on April 27, 2012.

■ 23. Revise § 174.21 to read as follows:

§ 174.21 Temporary certificates.

(a) An issuing authority may issue a temporary certificate of number, valid for no more than 60 days from its date of issuance.

(b) Each temporary certificate must contain the following information:

(1) Vessel's hull identification number, if any.

(2) Make of vessel.

(3) Overall length of vessel.

(4) Type of propulsion.

(5) State in which vessel is principally operated.

(6) Name of owner.

(7) Address of owner, including ZIP code.

(8) Signature of owner.

(9) Date of issuance.

(10) Notice to the owner that the temporary certificate is valid for the time it specifies, not to exceed 60 days from the date of issuance.

(c) For an issuing authority listed in 33 CFR part 173, Appendix A on April 27, 2012, the requirements of paragraph (b) of this section apply on January 1, 2017. Between April 27, 2012 and January 1, 2017, the issuing authority may continue to issue temporary certificates containing the contents in effect on April 27, 2012.

■ 24. Revise § 174.121 to read as follows:

§ 174.121 Forwarding of casualty or accident reports.

Within 30 days of the receipt of a casualty or accident report, the reporting authority receiving the report must forward a paper or electronic copy of that report to the Commandant (CG-5422), U.S. Coast Guard, 2100 Second St. SW., Stop 7581, Washington, DC 20593-7581.

- 25. Revise § 174.125 to read as follows:

§ 174.125 Coast Guard address.

The report required by § 174.123 of this subpart must be sent to the Commandant (CG-5422), U.S. Coast Guard, 2100 Second St. SW., Stop 7581, Washington, DC 20593-7581.

PART 181—MANUFACTURER REQUIREMENTS

- 26. The authority citation for part 181 is revised to read as follows:

Authority: 46 U.S.C. 4302; Department of Homeland Security Delegation No. 0170.1 (92).

- 27. Revise § 181.1 to read as follows:

§ 181.1 Purpose and applicability; preemptive effect.

This part prescribes requirements for the certification of boats and associated equipment and identification of boats to which 46 U.S.C. chapter 43 applies. The regulations in this part have the preemptive effect described in 46 U.S.C. 4306.

- 28. Amend § 181.3 by revising the definition of “Manufacturer” and by adding, in alphabetical order, the definition of “State” to read as follows:

§ 181.3 Definitions.

* * * * *

Manufacturer means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The importation of boats, associated equipment, or the components thereof, into the United States for sale.

* * * * *

State means a State of the United States, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

- 29. Revise § 181.23 to read as follows:

§ 181.23 Hull identification numbers required.

(a) A manufacturer must identify each boat produced or imported with primary and secondary hull identification numbers permanently affixed in accordance with § 181.29 of this subpart.

(b) A person who manufactures or imports a boat for his or her own use and not for sale must obtain the required hull identification number in accordance with the requirements of the issuing authority listed in 33 CFR part 173, Appendix A for the boat’s State of principal operation and permanently affix the HIN to the boat in accordance with § 181.29 of this subpart.

(c) No person may assign the same HIN to more than one boat.

- 30. Revise § 181.31 to read as follows:

§ 181.31 Manufacturer identification code assignment.

(a) Each person required by § 181.23(a) of this part to affix hull identification numbers must request a manufacturer identification code in writing from the Commandant (CG-54223), 2100 Second St. SW., Stop 7581, Washington, DC 20593-7581. The request must indicate the manufacturer’s name and U.S. address along with the general types and lengths of boats that will be manufactured.

(b) For boats manufactured outside of the jurisdiction of the United States, a U.S. importer must obtain a manufacturer identification code as required by paragraph (a) of this section. The request must indicate the importer’s name and U.S. address along with a list of the manufacturers, their addresses, and the general types and sizes of boats that will be imported. If a nation has a hull identification number system which has been accepted by the Coast Guard for the purpose of importing boats, it may be used by the importer instead of the one specified within this subpart. To request a list of those nations having such a numbering system, write to the Commandant (CG-54223), 2100 Second St. SW., Stop 7581, Washington, DC 20593-7581.

PART 187—VESSEL IDENTIFICATION SYSTEM

- 31. The authority citation for part 187 is revised to read as follows:

Authority: 46 U.S.C. 2103, 12501; Department of Homeland Security Delegation No. 0170.1(92).

- 32. Revise § 187.11 to read as follows:

§ 187.11 What are the procedures to participate in VIS?

(a) A State wanting to participate in VIS must inform the Commandant in writing, describing its willingness and ability to comply with each requirement of § 187.201 of this part. If the Commandant is satisfied that the State will comply fully with § 187.201 of this part, the State will be allowed to participate in VIS and will be listed in Appendix A to this part, for as long as the Commandant determines that the State complies fully with § 187.201 of this part.

(b) A State wanting to participate in VIS but unable to comply with one or more requirements of § 187.201 of this part may participate in VIS under one or more waivers, for good cause shown. For purposes of this section, “good cause” includes the existence of State law prohibiting full compliance. A State wanting to participate in VIS under one or more waivers must—

- (1) Inform the Commandant in writing;
- (2) Describe the requirement or requirements for which waiver is sought and the good cause for noncompliance; and
- (3) Describe the steps the State intends to take to remove the good cause and the anticipated time needed to do so.

(c) The Commandant may allow a State to participate in VIS under one or more waivers, pursuant to a memorandum of agreement between the Coast Guard and the State.

(1) The memorandum of agreement recites the information provided by the State under paragraph (b) of this section and is valid for not more than 3 years, during which time the State will be deemed to participate in VIS and be listed in Appendix A to this part.

(2) The State may withdraw from the memorandum of agreement and participation in VIS upon written notice to the Commandant. The Commandant may terminate the memorandum of agreement and the State’s participation in VIS for non-compliance with the terms of the memorandum.

(3) Participation in VIS under one or more waivers beyond the term of the initial memorandum of agreement requires a new memorandum.

(4) If the good cause for waivers is eliminated within the term of the memorandum of agreement, the State may so inform the Commandant in writing. The Commandant may then consider the State to participate in VIS under paragraph (a) of this section.

- 33. Amend § 187.101 as follows:

- a. Revise paragraphs (a)(4) and (b)(5)(i) to read as follows;

- b. Remove and reserve paragraph (b)(5)(ii); and
- c. Remove paragraph (b)(5)(iii).

§ 187.101 What information must be collected to identify a vessel owner?

(a) * * *

(4) Owner identifier, which must be the owner's tax identification number, date of birth together with driver's license number, or date of birth together with other unique number.

(b) * * *

(5) * * *

(i) Owner identifier, which must be the owner's tax identification number, date of birth together with driver's license number, or date of birth together with other unique number.

- 34. Revise § 187.103 to read as follows:

§ 187.103 What information must be collected to identify a vessel?

A participating State must collect the following information on a vessel it has numbered or titled and make it available to VIS:

(a) Manufacturer's hull identification number, if any.

(b) Official number, if any, assigned by the Coast Guard or its predecessor.

(c) Number on certificate of number assigned by the issuing authority of the State.

(d) Expiration date of certificate of number.

(e) Number previously issued by an issuing authority.

(f) Make and model of vessel.

(g) Model year.

(h) Overall length of vessel.

(i) Vessel type: Authorized terms are "air boat", "auxiliary sail", "cabin motorboat", "houseboat", "inflatable boat", "open motorboat", "paddlecraft", "personal watercraft", "pontoon boat", "rowboat", "sail only", or "other".

(j) Hull material: Authorized terms are "aluminum", "fiberglass", "plastic", "rubber/vinyl/canvas", "steel", "wood", or "other".

(k) Propulsion type: Authorized terms are "air thrust", "manual", "propeller", "sail", "water jet", or "other".

(l) Engine drive type: Authorized terms are "inboard", "outboard", "pod drive", "sterndrive", or "other".

(m) Fuel: Authorized terms are "electric", "diesel", "gas", or "other".

(n) Primary operation: Authorized terms are, "charter fishing", "commercial fishing", "commercial passenger carrying", "dealer or manufacturer demonstration", "other commercial operation", "pleasure", or "rent or lease".

Dated: March 15, 2012.

Paul F. Thomas,

Captain, U.S. Coast Guard, Acting Director of Prevention Policy.

[FR Doc. 2012-7127 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-04-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2011-9]

Fees

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office of the Library of Congress is publishing a final rule establishing an additional fee for a particular service: Travel expenses in connection with educational activities.

DATES: *Effective Date:* March 28, 2012.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, P.O. Box 70400, Washington, DC 20024-0400, Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Background

This final rule adjusts Copyright Office's schedule of fees by adding a fee for travel expenses in connection with participation by Copyright Office personnel in various educational activities when participation has been requested by another organization or person and that organization or person has agreed to reimburse the Office for travel expenses. As the office administering the nation's records of copyright ownership and as the advisor to Congress, the federal departments and agencies and the judiciary on national and international issues relating to copyright, the Copyright Office has long considered informing and educating the public on copyright issues to be a strategic goal. In furtherance of that goal, the Office has long engaged in various educational programs to inform the public on copyright issues. The Office performs these activities under its broader authority set forth in 17 U.S.C. 701(b)(4), which directs the Office to "[c]onduct studies and programs regarding copyright, other matters arising under this title, and related matters, the administration of the Copyright Office, or any function vested in the Copyright Office by law, including educational programs

conducted cooperatively with foreign intellectual property offices and international intergovernmental organizations."

Frequently, the Register of Copyrights and other Copyright Office employees are requested to travel to speak to various groups of authors, copyright owners, their representatives, users of copyrighted works, and other members of the public to provide information about the activities of the Copyright Office, including copyright registration and recordation, the statutory licenses, pending and enacted copyright legislation, Copyright Office regulations, international copyright developments, significant copyright litigation matters, etc. Because the Copyright Office has limited travel funds and because various organizations consider it highly beneficial to host presentations by Copyright Office officials, it has been the general practice of the Office to request that the sponsoring organization or person pay the travel expenses of the Copyright Office personnel. More often than not, the Office's limited travel funds would not permit the Office to send anyone to participate in such programs unless the sponsoring organization or person is willing to pay those expenses.

This regulation codifies the authority for payment of those travel expenses. It adds a new paragraph (f) to the Copyright Office fee schedule in § 201.3 of the Code of Federal Regulations, and provides that the Copyright Office shall charge a fee, consistent with the Federal Travel Regulations (FTR) set forth in Chapters 300 through 304 of Title 41 of the Code of Federal Regulations as well as other applicable laws and regulations, to cover the travel expenses of Copyright Office personnel, in connection with Copyright Office educational activities when participation by Copyright Office personnel has been requested by another person or organization which has agreed to pay such expenses. The fee may be no greater than the amount authorized under the FTR.

The Office is also making a technical amendment to paragraph (b)(2) of § 201.3, changing the reference to section 708(a)(10) of title 17 of the U.S. Code. Due to amendments to section 708, that reference has been changed to section 708(a).

Because this regulatory amendment simply codifies a longstanding practice and is necessary in order to permit uninterrupted operation of the Office's ongoing educational activities, the Register concludes that providing notice and opportunity for comment would be impracticable, unnecessary and contrary

to the public interest. For similar reasons and in order to minimize disruptions in the Office's educational activities, the Register finds that there is good cause to make the rule effective immediately upon publication.

List of Subjects in 37 CFR Part 201

Copyright, General provisions.

Final Rule

In consideration of the foregoing, part 201 of 37 CFR chapter II is amended as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2 Amend § 201.3 as follows:

■ a. In paragraph (b)(2) by removing “708(a)(10)” and adding “708(a)” in its place.

■ b. By adding new paragraph (f) as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *

(f) *Fees for travel in connection with educational activities.* For travel expenses in connection with Copyright Office educational activities when participation by Copyright Office personnel has been requested by another organization or person and that organization or person has agreed to pay such expenses, collection of the fee shall be subject to, and the amount of the fee shall be no greater than, the amount authorized under the Federal Travel Regulations found in Chapters 300 through 304 of Title 41.

Dated: March 12, 2012.

Maria A. Pallante,

Register of Copyrights.

Dated: March 19, 2012.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 2012-7427 Filed 3-27-12; 8:45 am]

BILLING CODE 1410-30-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

[Docket No. 2011-8]

Discontinuance of Form CO in Registration Practices

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The United States Copyright Office is amending its regulations in order to discontinue use of the Form CO application as an option for applying for copyright registration, and in order to remove references to CON 1 and CON 2 continuation sheets. The removal of Form CO leaves applicants a choice of filing an application for registration electronically or by using the appropriate printed application form relating to the subject matter of the application. The amendment also removes the references to CON 1 and CON 2 continuation sheets, which were never developed or made available to the public; the regulations instead now refer only to the continuation sheets currently available for applicants filing paper applications and makes other housekeeping amendments relating to applications for copyright registration.

DATES: *Effective Date:* July 1, 2012.

FOR FURTHER INFORMATION CONTACT:

Tanya Sandros, Deputy General Counsel, Copyright Office, GC/I&R, P.O. Box 70400, Washington, DC 20024. *Telephone:* (202) 707-8380. *Telefax:* (202) 707-8366. All prior **Federal Register** notices and comments in this docket are available at <http://www.copyright.gov/docs/formco/>.

SUPPLEMENTARY INFORMATION:

Background

In 2007, the Copyright Office began an extensive business process reengineering initiative that had an impact on a variety of registration-related activities. *See* 72 FR 36883 (July 6, 2007). As part of this initiative, the Office promulgated interim regulations regarding how the public submits and the Office processes copyright applications. In these interim regulations, the Office announced four ways to file an application for registration. At the time, the Office used the term “Form CO” generically in its regulations to cover all four approaches to registration. With the implementation of the new electronic registration practices, however, Form CO was used to describe a specific form that is filled

out on a computer and that uses barcodes to capture the information entered by the person filling out the form. After completing the form, the applicant prints it out and submits the paper form to the Copyright Office. This newer incarnation of Form CO, first made available in 2008, was intended to simplify the application process and replace the traditional paper Forms TX, VA, PA, SR, and SE. *See* 72 FR at 36885; 37 CFR 202.3(b)(2)(ii). However, following the implementation of reengineering, it eventually became clear (for reasons discussed below) that Form CO did not live up to its expectations because many users of the form made entries on the form that were not captured in the barcodes and therefore were not carried over into the Office's registration records and because of problems with printing the forms.

The regulations promulgated in 2007 also referred to two additional continuation sheets, CON 1 and CON 2, which the Office intended to be used in connection with Form CO and which would have allowed applicants to provide additional information that would not fit within the barcodes to be generated by Form CO. *See* 72 FR at 36886. However, the Office never developed these new continuation sheets and continued to accept the traditional Form CON for the provision of additional information. *See* <http://www.copyright.gov/forms/formcon.pdf>.

On September 30, 2011, the Copyright Office published a notice of proposed rulemaking and request for comments in regard to Form CO, CON 1, and CON 2. 76 FR 60774. The Office proposed eliminating Form CO as an application option and removing references to CON 1 and CON 2. Form CO, the Office pointed out, is not widely used, but it does present a disproportionate number of problems for the Office. As is explained in greater detail in the notice of proposed rulemaking, when applicants find they need to amend information on Form CO after preparing and printing the form but before submitting it, they frequently make changes by writing directly on the form rather than redoing or revising the form correctly online. As a result, additional time and resources are required for the Office to manually input the amended information into the system, or it may be missed in the ingestion process altogether. Either way, the added time required to detect and correct these problems defeats all the efficiencies promised by this technology.

Nor is human error the only concern. The notice of proposed rulemaking also noted that the use of barcodes presents other unique problems associated with

the technology. Barcodes can be compromised and fail to function properly, e.g., due to distortion in the printing of the application, or due to tears in the portion of the page on which the barcode appears. In such cases the information on a Form CO application must be manually entered into the online registration system.

In addition to proposing the elimination of Form CO, the Office proposed amending its regulations to remove references to continuation sheets for use with Form CO—CON 1 and CON 2—because the Copyright Office never created these specialized forms.

Comments

The Office received two comments in response to its notice of proposed rulemaking one in support of the proposal to eliminate Form CO and the other in support of maintaining it. Author Services, Inc. writing in support of the Office's proposal to eliminate Form CO, stated that its use is "likely to cause errors and lengthen the examination process." Attorney Joshua Kaufman, on the other hand, opposed elimination of Form CO. He argued that the electronic filing system is "clunky, cumbersome and takes a great deal of time," and stated that the system does not provide a copy of the application suitable for the applicant's file and for subsequent review. The alternative to electronic filing—using forms specific to various types of works—was also insufficient, maintained Mr. Kaufman, because these forms take over a year to process and are more expensive than electronic registration.

Discussion

Form CO represents a very small percentage of applications received by the Office—approximately two percent of applications submitted since January 2011 have been submitted on Form CO. Eliminating Form CO will simplify the registration process for the Copyright Office and leave applicants with two options to register their works. They may submit applications for registration electronically or they may use the paper forms (Forms TX, PA, VA, SR, and SE., or the Short Forms TX, PA, VA or SE if appropriate). Applications submitted electronically are less expensive and this option allows for a quicker turnaround time. Currently, these applications are processed on average in three months. The Office has also reduced the time it takes to process a paper application, completing the process on average in 10 months. However, the key benefit gained in eliminating Form CO is the savings in

resources which the Office now spends on reviewing each Form CO to ensure the accuracy of the Form CO information embedded in the barcode.

While Mr. Kaufman's lone voice in favor of maintaining Form CO does not provide a strong reason for the Office to continue to offer this option for registration, he does raise three issues that the Office, for the sake of clarity, wishes to address. First, the Office is aware that improvements are needed to make the online registration system more user-friendly and less time-consuming and, for that reason, the Office is committed to making it as easy and efficient as possible. To that end, the Register has made the evaluation of technical upgrades to the current electronic deposit system a major priority over the next 18 months, a process that includes significant involvement from remitters and technical experts. See *Priorities and Special Projects of the United States Copyright Office* (<http://www.copyright.gov/docs/priorities.pdf>) at 13. Also, contrary to Mr. Kaufman's assertion, a reviewable copy of an electronic application is available to applicants after successful fee payment. Using the "My Applications" link, an applicant can view and print a copy of the certificate preview displaying all the information entered by the applicant under the corresponding headings. Finally, regarding the use of paper forms instead of electronic registration, the Office notes that while paper registration is more expensive and does take longer, the processing time for these applications has been steadily declining. As noted above, the current average processing time for a paper application is 10 months, not a year or longer.

For the reasons set forth above and because there is little support for maintaining Form CO, the Office has concluded that the use of Form CO should be discontinued. In addition, because the Office is discontinuing Form CO and never created the CON 1 and CON 2 forms that were to be used with Form CO, the Office is amending its regulations to remove references to the CON 1 and CON 2 forms. Note, however, that those applicants using paper applications may continue to use existing Form CON. See <http://www.copyright.gov/forms/formcon.pdf>. As a related point of clarity, the Office is also amending § 202.3(b)(10)(iv)(D) and (v) of the regulations, relating to group registration of published photographs, to clarify that the references therein to "special continuation sheet" are references to Form DR/PPH/CON.

Effective Date

Beginning July 1, 2012, the Copyright Office will no longer accept Form CO applications for registration. Upon receipt of a Form CO on or after July 1, 2012, the Office will notify the remitter that it has received an incomplete submission for registration and that the remitter may complete the submission by providing a completed "Form TX"; "Form PA"; "Form VA"; "Form SR"; "Form SE.," or the short form versions of Forms TX, PA, VA or SE as appropriate, along with any applicable short fee. The effective date of registration for the claim will be the date the Office receives a complete submission, including an acceptable form, the appropriate fee and the deposit. Should the remitter fail to provide the correct form and additional fee within 30 days, the Office will close the claim and retain the initial fee to cover the administrative costs of processing the incomplete submission.

Housekeeping Amendments

The Office also takes this opportunity to make three additional amendments to its regulations. First, the Office is amending § 201.3(c) to clarify that the \$35 fee for an electronic filing listed in item 2 applies only to the electronic submission of applications for group registration of photographs and for registration of automated databases that predominantly consist of photographs and updates to these databases. See 76 FR 4072 (January 24, 2011) and 76 FR 5106 (January 28, 2011). While the Office had anticipated providing an online option for group registration of contributions to periodicals, this option still requires further testing and evaluation and is not currently offered.

Second, the Office is amending § 202.2(b)(1) which incorrectly identifies the appropriate copyright notice on a sound recording as a "©." The technical amendment corrects this error and identifies the correct notice for a sound recording as a "□."

Finally, the Office is amending § 202.3(b)(2)(ii) to include specific references to the short forms of several standard applications for registration and to indicate the circumstances under which these forms are used today. The conditions for use of the short forms are explained in the instructions accompanying Short Form PA, Short Form TX, Short Form VA, and Short Form SE. Thus, the proposed amendment merely clarifies the longstanding practice of the Office to accept short form applications, provided that the claim meets the conditions outlined in the instructions to the forms.

List of Subjects**37 CFR Part 201**

Copyright, General provisions.

37 CFR Part 202

Copyright, Registration of claims to registration.

Final Regulations

In consideration of the foregoing, the Copyright Office amends parts 201 and 202 of 37 CFR, as follows:

PART 201—GENERAL PROVISIONS

- 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.3 [Amended]

- 2. Amend § 201.3(c) as follows:
 - a. By removing the line beginning “Form-D barcode application properly completed online) * * *” and the phrase “; and Form CO without barcodes or incomplete information, or information added after printing (paper filing)” from item (1) of the fee chart titled “Registration, Recordation and Related Services.”
 - b. By adding “of automated databases that predominantly consist of photographs and updates thereto or group registration of published photographs” after “electronic filing” in item (2) of the fee chart titled “Registration, Recordation and Related Services.”

PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

- 3. The authority citation for part 202 reads as follows:

Authority: 17 U.S.C. 409 and 702.

§ 202.2 [Amended]

- 4. Amend § 202.2(b)(1) by removing “©” after “in the case of a sound recording, the symbol” and adding “□” in its place.
- 5. Amend § 202.3 by:
 - a. Revising paragraphs (b)(2) and (b)(3).
 - b. In paragraphs (b)(10)(iv)(D) and (b)(10)(v) by adding “(Form GR/PPh/CON)” after the phrase “special continuation sheet” wherever it appears.
 - c. In paragraph (c)(2) introductory text by removing “, electronically or in printed form, on the appropriate form prescribed by the Register of Copyrights under” and by adding “by using one of the methods set forth in” in its place.
 - d. By redesignating footnotes 3 through 6 as footnotes 2 through 5.

§ 202.3 Registration of copyright.

* * * * *

(b) * * *
 (2) *Submission of application for registration.* For purposes of registration, an applicant may submit an application for registration of individual works and certain groups of works electronically through the Copyright Office’s Web site, or by using the printed forms prescribed by the Register of Copyrights.

(i) An applicant may submit an application electronically through the Copyright Office Web site [www.copyright.gov]. An online submission requires a payment of the application fee through an electronic fund transfer, credit or debit card, or through a Copyright Office deposit account. Deposit materials in support of the online application may be submitted electronically in a digital format along with the application and payment, or deposit materials in physically tangible formats may be separately mailed to the Copyright Office, using a mailing label generated during the online registration process, or

(ii) (A) Alternatively, an applicant may submit an application on one of the printed forms prescribed by the Register of Copyrights. Each printed form corresponds to a class set forth in paragraph (b)(1) of this section and is so designated (“Form TX”; “Short Form TX”; “Form PA”; “Short Form PA”; “Form VA”; “Short Form VA”; “Form SR”; “Form SE”; “Short Form SE”, and “Form SE/Group”).

(B) Short form applications may only be used if certain conditions are met. Short Form TX, Short Form PA, and Short Form VA may be used only to register a single work in a case when a living author who is the only author of his or her work is the sole owner of the copyright in the work, the work is not a compilation or derivative work containing a substantial amount of previously published or registered material, and the work is not a work made for hire. Short Form SE may be used only if the claim is in a collective work, the work is essentially an all-new collective work or issue, the author is a citizen or domiciliary of the United States, the work is a work for hire, the author(s) and claimant(s) are the same person(s) or organization(s), and the work was first published in the United States.

(C) Printed form applications should be submitted in the class most appropriate to the nature of the authorship in which copyright is claimed. In the case of contributions to collective works, applications should be submitted in the class representing the

copyrightable authorship in the contribution. In the case of derivative works, applications should be submitted in the class most appropriately representing the copyrightable authorship involved in recasting, transforming, adapting, or otherwise modifying the preexisting work. In cases where a work contains elements of authorship in which copyright is claimed which fall into two or more classes, the application should be submitted in the class most appropriate to the type of authorship that predominates in the work as a whole. However, in any case where registration is sought for a work consisting of or including a sound recording in which copyright is claimed, the application shall be submitted on Form SR.

(D) Copies of the printed forms are available on the Copyright Office’s Web site [www.copyright.gov] and upon request to the Copyright Public Information Office, Library of Congress. Printed form applications may be completed and submitted by completing a printed version or using a PDF version of the applicable Copyright Office application form and mailing it together with the other required elements, *i.e.*, physically tangible deposit copies and/or materials, and the required filing fee, all elements being placed in the same package and sent by mail or hand-delivered to the Copyright Office.

(3) *Continuation sheets.* A continuation sheet (Form CON) is appropriate only in the case when a printed form application is used and where additional space is needed by the applicant to provide all relevant information concerning a claim to copyright. An application may include more than one continuation sheet, subject to the limitations in paragraph (b)(10)(v) of this section.

* * * * *

Dated: March 12, 2012.

Maria A. Pallante,
Register of Copyrights.

Dated: March 19, 2012.

James H. Billington,
The Librarian of Congress.

[FR Doc. 2012-7429 Filed 3-27-12; 8:45 am]

BILLING CODE 1410-30-P

POSTAL SERVICE**39 CFR Part 111****USPS Package Intercept—New Product Offerings**

AGENCY: Postal Service™.

ACTION: Final rule with comments.

SUMMARY: The Postal Service proposes to revise *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) 507.5 and 508.7 to implement second phase of USPS Package Intercept™ service introducing an electronic process for Commercial customers requesting USPS Package Intercept and other related features.

DATES: *Effective Date:* June 24, 2012. We must receive your comments on or before June 15, 2012.

ADDRESSES: Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 4446, Washington DC 20260-5015. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington DC by appointment only between the hours of 9 a.m. and 4 p.m., Monday through Friday by calling 1-202-268-2906 in advance. Email comments, containing the name and address of the commenter, may be sent to:

ProductClassification@usps.gov, with a subject line of "Package Intercept—New Product Offerings". Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Karen Key at 202-268-7492 or Suzanne Newman at 202-268-5581.

SUPPLEMENTARY INFORMATION: On January 22, 2012, USPS Package Intercept service was introduced as a new domestic service that replaced the former recall of mail process. Plans were announced to implement new features for USPS Package Intercept service using a phased-in approach. The Postal Service proposes to implement the second phase of the program on June 24, 2012, by offering an electronic application method for commercial customers to register and request USPS Package Intercept service through the Business Customer Gateway at <https://gateway.usps.com/bcg/login.htm>. Additional related features include allowing these customers to redirect mailpieces to a new address or to a Post Office™ as Hold For Pickup service.

Additionally, customers using the electronic process will have the option of adding selected extra services to the new Priority Mail® piece. Payment of all associated fees and postage will be made through the mailer's Centralized Account Payment System (ACH-Debit) link.

Except for pieces being redirected back to the sender that were originally sent Express Mail®, Priority Mail or First-Class Mail®, redirected mailpieces would be subject to payment of Priority Mail postage from the location where

intercepted to the new destination based on the dimensions, weight and zone of the piece. An Intelligent Mail® package barcode will be included on the redirected new Priority Mail pieces.

The USPS Package Intercept fee implemented on January 22, 2012, (see Notice 123—Price List) will not change. The USPS does not guarantee the interception of a mailpiece.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR Part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C 301-307; 18 U.S.C. 1692-1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

500 Additional Mailing Services

* * * * *

507 Mailer Services

* * * * *

5.0 Package Intercept

5.1 Description of Service

[Revise 5.1 as follows:]

Package Intercept service provides a method for customers to authorize redirection of any mailable domestic mailpieces with a tracking barcode as provided in 5.1.1. If the mail item is found and redirected, additional postage is charged as provided under 5.2. Package Intercept requests are active for 10 business days from the date of the request. Interception of eligible mailpieces is not guaranteed. Requests can be made as follows:

a. Retail customers may request the redirection of any mailable domestic mailpiece back to the sender by submitting PS Form 1509, *Sender's Request for USPS Package Intercept Service* at any Retail Post Office location.

b. Commercial customers may request the redirection of any mailable domestic mailpiece back to the sender, a new delivery address or a Post Office as Hold For Pickup service (508.7.0) by registering and submitting requests through the Business Customer Gateway at <https://gateway.usps.com/bcg/login.htm>. Package information on the mailpieces to be intercepted will be provided by the customer to the USPS through an electronic file exchange.

[Revise 5.1.1 as follows:]

5.1.1 Eligibility

Package Intercept service is available for any Express Mail, Priority Mail, First-Class Mail, First-Class Package Service, Parcel Select, and Package Services mailpieces with a tracking barcode, addressed to, from or between domestic destinations (608.2) that do not bear a customs declarations label, and measuring not more than 108 inches in length and girth combined except as noted in 5.1.2.

[Revise 5.1.2 as follows:]

5.1.2 Ineligible

Package Intercept is not available to:

1. Mailpieces sent to International destinations.
2. Mailpieces sent to APO/FPO/DPO destinations.
3. Domestic mailpieces requiring a customs declarations label (see 608.2.4.).
4. Mailpieces that indicate surface-only transportation such as Label 127, "Surface Mail Only" or bears other hazardous materials markings such as "Limited Quantity," "Consumer Commodity" or "ORM-D".
5. Mailpieces that do not contain a tracking barcode.

5.2 Postage and Fees

[Revise 5.2 as follows:]

Customers must pay a nonrefundable per-piece fee to initiate the process of attempting to intercept the mailpiece. The USPS does not guarantee the interception of a mailpiece. All intercepted mailpieces that are redirected back to the sender through the retail method using PS Form 1509 are subject to payment of the applicable postage based on how the piece was originally mailed. All intercepted mailpieces that are redirected back to the sender, a new delivery address or a Post Office as Hold For Pickup service through the electronic commercial method are relabeled and handled as a new Priority Mail piece. Except for pieces being redirected back to the sender that were originally sent by Express Mail, Priority Mail or First-Class Mail, the new Priority Mail piece

is charged the applicable Priority Mail postage from the location where intercepted to the new destination based on the dimensions, weight and zone of the piece. The payment of fees are made as follows:

a. For retail customers, payment of fees may be made by cash, check, credit card, or debit card at any retail Post Office location. Payment of any applicable return postage will be collected from the sender as postage due upon delivery.

b. For commercial customers, payment of fees and any applicable postage must be processed through the mailer's Centralized Account Payment System (ACH-Debit) account link.

5.3 Adding Extra Services

[Revise 5.3 as follows:]

Extra services may be added to Package Intercept mailpieces under limited circumstances. Customers who register and file their request through the Business Customer Gateway at <https://gateway.usps.com/bcg/login.htm> may add, and pay additional postage for, extra services on the new Priority Mail piece at the time of their intercept request. Except for Registered Mail, which retains its original extra services identification number, the relabeled new Priority Mail item will be assigned a new extra service identification number and barcode applicable to the extra service purchased. An Intelligent Mail package barcode will be included on all redirected new Priority Mail pieces and all available USPS acceptance, processing and delivery scans will be available to the customer at no charge. The following extra services may be added to the new Priority Mail item at the time of the intercept request:

- a. Adult Signature Required
- b. Adult Signature Restricted Delivery
- c. Insurance
- d. Signature Confirmation
- e. Registered Mail must be added if the original shipment included Registered Mail service, but otherwise may not be added.

* * * * *

5.5 Request for Intercept

[Revise 5.5 as follows:]

Retail customers may request to have their package intercepted and redirected to sender by submitting PS Form 1509, *Sender's Request for USPS Package Intercept Service*, at any Post Office when presenting valid Government-issued photo identification. Commercial customers may request to have their package redirected to sender, to a new postal delivery address, or to a Post Office as Hold For Pickup service

through the Business Customer Gateway at <http://pe.usps.com/>. Packages designated for redirection to a new address provided by the mailer that are undeliverable as addressed will be returned to sender as provided in 507.1. Only the sender or authorized representative can request Package Intercept.

* * * * *

508 Recipient Services

* * * * *

7.0 Hold For Pickup

7.1 Fees and Postage

7.1.1 Postage Payment Methods

Hold For Pickup service is available to mailers using the "Hold For Pickup" label when postage is paid by:

[Add new item 7.1.1e. as follows:]

* * * * *

e. A mailer's Centralized Account Processing System (CAPS) account when used in conjunction with a Package Intercept request.

* * * * *

We will publish an appropriate amendment to 39 CFR Part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2012-7356 Filed 3-27-12; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2010-0873; FRL-9653-3]

RIN 2060-AH23

Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: The EPA published a direct final rule titled "Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources" in the **Federal Register** on February 14, 2012. Because we received adverse comments to the parallel proposed rule issued under the same name on February 14, 2012, we are withdrawing the direct final rule.

DATES: As of March 28, 2012, the EPA withdraws the direct final rule published on February 14, 2012 (77 FR 8160).

ADDRESSES: The EPA has established a docket for this action under Docket ID

No. EPA-HQ-OAR-2010-0873. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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 Procedure 3—Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Docket Facility and Public Reading Room are open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Air Docket is (202) 566-1742, and the telephone number for the Public Reading Room is (202) 566-1744.

FOR FURTHER INFORMATION CONTACT: Ms. Lula H. Melton, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (Mail Code: E143-02), Research Triangle Park, NC 27711; telephone number: (919) 541-2910; fax number: (919) 541-0516; email address: melton.lula@epa.gov.

SUPPLEMENTARY INFORMATION: The EPA issued "Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources" as a direct final rule in the **Federal Register** on February 14, 2012 (77 FR 8160). The EPA issued a parallel proposed rule under the same name on February 14, 2012 (77 FR 8209). We stated in the direct final rule that if we received adverse comments to the parallel proposed rule, we would publish a timely notice of withdrawal of the direct final rule in the **Federal Register**. We received adverse comments on the proposed rule and are consequently withdrawing the "Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources" published as a direct final rule in the **Federal Register** on February 14, 2012.

Dated: March 21, 2012.

Gina McCarthy,

Assistant Administrator.

[FR Doc. 2012-7487 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[EPA-HQ-OPP-2011-0403; FRL-9340-7]

Acetamiprid; Pesticide Tolerances**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation establishes tolerances for residues of acetamiprid in or on food/feed handling establishments and soybeans. Nippon Soda Co., Ltd., c/o Nisso America, Inc., requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 28, 2012. Objections and requests for hearings must be received on or before May 29, 2012, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2011-0403. All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Jennifer Urbanski, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 347-0156; email address: urbanski.jennifer@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural

producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2011-0403 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 29, 2012. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

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

request, identified by docket ID number EPA-HQ-OPP-2011-0403, by one of the following methods:

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

II. Summary of Petitioned-For Tolerance

EPA has received two petitions for tolerances for the insecticide acetamiprid. In the **Federal Register** of March 29, 2011 (76 FR 17374) (FRL-8867-4), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 0F7812) by Nippon Soda Co., Ltd., c/o Nisso America, Inc., 45 Broadway, Suite 2120, New York, NY 10006. The petition requested that 40 CFR 180.578 be amended by establishing tolerances for residues of acetamiprid, N 1-[(6-chloro-3-pyridyl)methyl]-N 2-cyano-N 1-methylacetamide, including its metabolites and degradates, in or on food/feed handling establishments at 0.05 parts per million (ppm). That notice referenced a summary of the petition prepared by Nippon Soda Co., Ltd., the registrant, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

In the **Federal Register** of July 6, 2011 (76 FR 39358) (FRL-8875-6), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 1F7844) by Nippon Soda Co., Ltd., c/o Nisso America, Inc., 45 Broadway, Suite 2120, New York, NY 10006. The petition requested that 40 CFR 180.578 be amended by establishing tolerances for residues of acetamiprid, N 1-[(6-chloro-3-pyridyl)methyl]-N 2-cyano-N 1-methylacetamide, in or on soybean, seed at 0.02 ppm and soybean, hulls at 0.04 ppm. That notice referenced a summary of the petition prepared by

Nippon Soda Co., Ltd., the registrant, which is available in the docket, <http://www.regulations.gov>. One comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Based upon review of the data supporting the petitions, EPA has revised the tolerance associated with use in food handling establishments to 0.01 ppm in all food/feed items other than those covered by a higher tolerance from use on growing crops. EPA has also revised the tolerance to 0.03 ppm in soybean, seed and has added a tolerance of 5.0 ppm for grain, aspirated fractions. The reason for this change is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

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

sensitivities of major identifiable subgroups of consumers, including infants and children.

Acetaminophen is moderately toxic via the oral route of exposure and is minimally toxic via the dermal and inhalation routes of exposure. It is not an eye or skin irritant, nor is it a dermal sensitizer. Acetaminophen does not appear to have specific target organ toxicity. Generalized toxicity was observed as decreases in body weight, body weight gain, food consumption and food efficiency in all species tested. Generalized liver effects were also observed in mice and rats (hepatocellular vacuolation in rats and hepatocellular hypertrophy in mice and rats).

In the rat developmental study, fetal shortening of the 13th rib was observed at the same dose level that produced maternal effects (reduced body weight and body weight gain and increased liver weights). No developmental effects were observed in the rabbit at doses that reduced maternal body weight and food consumption. Effects in pups in the 2-generation rat reproduction study included delays in preputial separation and vaginal opening as well as reduced litter size, decreased pup viability and weaning indices; offspring effects observed in the developmental neurotoxicity (DNT) study included decreased body weight and body weight gains, decreased pup viability and decreased maximum auditory startle response in males. These effects were seen in the presence of less severe effects (decreased body weight and body weight gain) in the maternal animals.

In the acute neurotoxicity study, male and female rats displayed decreased motor activity, tremors, walking and posture abnormalities, dilated pupils, coldness to the touch and decreased grip strength and foot splay at the highest dose tested (HDT). There was a decrease in the auditory startle response in male rats at the HDT in the DNT; additionally, tremors were noted in female mice at the HDT in the subchronic feeding study.

In 4-week immunotoxicity studies performed in both sexes of rats and mice, no effects on the immune system were observed up to the highest dose, although significant reductions in body weight and body weight gain were noted at that dose.

Based on acceptable carcinogenicity studies in rats and mice, EPA has determined that acetaminophen is "not likely to be carcinogenic to humans." This determination is based on the absence of a dose-response or statistical significance for the increased incidence

in mammary adenocarcinomas observed in the rat carcinogenicity study, as well as the lack of evidence of carcinogenic effects in the mouse cancer study. Acetaminophen tested positive as a clastogen in an *in vitro* mammalian chromosome aberration assay in Chinese hamster ovary cells. There was no sign of mutagenicity in other mutagenicity studies for acetaminophen.

Specific information on the studies received and the nature of the adverse effects caused by acetaminophen as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at <http://www.regulations.gov> in the document "Acetaminophen Human Health Risk Assessment for New Uses on Soybean and in Food/Feed Handling Establishments" at pages 29–34 in docket ID number EPA-HQ-OPP-2011-0403.

B. Toxicological Points of Departure/Levels of Concern

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

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

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

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	NOAEL = 10 mg/kg/day UF _A = 10x UF _H = 10x FQPA SF = 1x	Acute RfD = 0.10 mg/kg/day aPAD = 0.10 mg/kg/day	Developmental Neurotoxicity in Rat LOAEL = 45 mg/kg/day based on decreased early pup survival on PND 0–1, and decreased startle response on PND 20/60 in males. Acute Neurotoxicity Study in Rat. LOAEL = 30 mg/kg/day based on decreased locomotor activity.
Chronic dietary (All populations).	NOAEL = 7.1 mg/kg/day UF _A = 10x UF _H = 10x FQPA SF = 1x	Chronic RfD = 0.071 mg/kg/day cPAD = 0.071 mg/kg/day	Chronic Toxicity/Oncogenicity Study in Rats. LOAEL = 17.5 mg/kg/day based on decreased body weight and body weight gains in females and hepatocellular vacuolation in males.
Incidental oral short- and intermediate-term (1 to 30 days and 1 to 6 months).	NOAEL = 10 mg/kg/day UF _A = 10x UF _H = 10x FQPA SF = 1x	LOC for MOE = 100	Developmental Neurotoxicity in Rat. LOAEL = 45 mg/kg/day based on decreased body weight and body weight gains in offspring, decreased early pup survival on PND 0–1, and decreased startle response on PND 20/60 in males.
Dermal short- and intermediate-term (1 to 30 days and 1 to 6 months).	Dermal (or oral) study NOAEL = 10 mg/kg/day (dermal absorption rate = 10%) UF _A = 10x UF _H = 10x FQPA SF = 1x	LOC for MOE = 100	Developmental Neurotoxicity in Rat. LOAEL = 45 mg/kg/day based on decreased body weight and body weight gains in offspring, decreased early pup survival on PND 0–1, and decreased startle response on PND 20/60 in males.
Inhalation short- and intermediate-term (1 to 30 days and 1 to 6 months).	Inhalation (or oral) study NOAEL = 10 mg/kg/day (inhalation absorption rate = 100%) UF _A = 10x UF _H = 10x FQPA SF = 1x	LOC for MOE = 100	Developmental Neurotoxicity in Rat. LOAEL = 45 mg/kg/day based on decreased body weight and body weight gains in offspring, decreased early pup survival on PND 0–1, and decreased startle response on PND 20/60 in males.
Cancer (Oral, dermal, inhalation).	Not likely to be carcinogenic to humans (2005 revised Agency cancer guidelines).		

UF_A = extrapolation from animal to human (interspecies).
 UF_H = potential variation in sensitivity among members of the human population (intraspecies).
 FQPA SF = Food Quality Protection Act Safety Factor.
 PAD = population adjusted dose (a = acute, c = chronic).
 RfD = reference dose.
 MOE = margin of exposure.
 LOC = level of concern.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to acetamiprid, EPA considered exposure under the petitioned-for tolerances as well as all existing acetamiprid tolerances in 40 CFR 180.578. EPA assessed dietary exposures from acetamiprid in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for acetamiprid.

In estimating acute dietary exposure, EPA used food consumption information from the United States

Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, EPA performed acute analyses based on tolerance level residues and assumed 100% crop treated. Empirical processing factors were used for processed commodities unless such data were not available, in which case DEEM™ default processing factors from Version 7.81 were used.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the food consumption data from the USDA 1994–1996 and 1998 CSFII. As to residue levels in food, EPA performed chronic analyses based on tolerance level residues and assumed 100% crop treated. Empirical processing factors

were used for processed commodities unless such data were not available, in which case DEEM™ default processing factors from Version 7.81 were used.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that acetamiprid does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

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

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary

exposure analysis and risk assessment for acetamiprid in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of acetamiprid. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www.epa.gov/oppfed1/models/water/index.htm>.

Based on the First Index Reservoir Screening Tool (FIRST) and Screening Concentration in Ground Water (SCI-GROW) models the estimated drinking water concentrations (EDWCs) of acetamiprid for surface water are estimated to be 95.2 parts per billion (ppb) for acute exposures and 26.6 ppb for chronic exposure. For ground water, the EDWC is 0.035 ppb.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 95.2 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 26.6 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Acetamiprid is currently registered for the following uses that could result in residential exposures: Indoor and outdoor residential settings, including crack and crevice and spray applications. Mattress treatments were also assessed as there is a pending application for this use. EPA assessed the following residential exposure scenarios: Exposure for adults (from short-term dermal and inhalation exposure) applying crack and crevice and mattress treatments; and postapplication exposure for adults (from short- and intermediate-term dermal and inhalation exposure) and for children 3–6 years old (from short- and intermediate-term dermal, inhalation and hand-to-mouth exposure) following crack and crevice and mattress treatments. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at <http://www.epa.gov/pesticides/trac/science/trac6a05.pdf>.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider

"available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

Acetamiprid is a member of the neonicotinoid class of pesticides which also includes thiamethoxam, clothianidin, imidacloprid and several other active ingredients. Structural similarities or common effects do not constitute a common mechanism of toxicity. Evidence is needed to establish that the chemicals operate by the same, or essentially the same sequence of major biochemical events. Although the neonicotinoids bind selectively to insect nicotinic acetylcholine receptors (nAChR), the specific binding site(s)/receptor(s) are unknown at this time. Additionally, the commonality of the binding activity itself is uncertain, as preliminary evidence suggests that clothianidin operates by direct competitive inhibition, while thiamethoxam is a non-competitive inhibitor. Furthermore, even if future research shows that neonicotinoids share a common binding activity to a specific site on insect nicotinic acetylcholine receptors, there is not necessarily a relationship between this pesticidal action and a mechanism of toxicity in mammals. Structural variations between the insect and mammalian nAChRs produce quantitative differences in the binding affinity of the neonicotinoids towards these receptors, which, in turn, confers the notably greater selective toxicity of this class towards insects, including aphids and leafhoppers, compared to mammals. Additionally, the most sensitive toxicological effect in mammals differs across the neonicotinoids (e.g., testicular tubular atrophy with thiamethoxam; mineralized particles in thyroid colloid with imidacloprid). Thus, there is currently no evidence to indicate that neonicotinoids share common mechanisms of toxicity, and EPA is not following a cumulative risk approach based on a common mechanism of toxicity for the neonicotinoids. In addition, acetamiprid does not appear to produce a toxic metabolite produced by other substances. Therefore, for the purposes of this tolerance action, EPA has not assumed that acetamiprid has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements concerning common mechanism

determinations and procedures for cumulating effects from substances found to have a common mechanism released by EPA's Office of Pesticide Programs on EPA's Web site at <http://www.epa.gov/pesticides/cumulative>.

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* The prenatal and postnatal toxicology database for acetamiprid includes rat and rabbit developmental toxicity studies, a 2-generation reproduction toxicity study in rats, and a DNT study in rats. There was no evidence of quantitative or qualitative susceptibility of rat or rabbit fetuses following *in utero* exposure to acetamiprid in the developmental toxicity studies. However, both the DNT and 2-generation reproduction studies showed an increase in qualitative susceptibility of pups. Effects in pups in the reproduction study included delays in preputial separation and vaginal opening, as well as reduced litter size, decreased pup viability and weaning indices; offspring effects observed in the DNT study included decreased body weight and body weight gains, decreased pup viability and decreased maximum auditory startle response in males. These effects were seen in the presence of decreased body weight and body weight gain in the maternal animals, indicating increased qualitative susceptibility of fetuses and offspring to acetamiprid. Quantitative evidence of increased susceptibility was not observed in any study.

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

i. With the exception of a subchronic inhalation study, the toxicity database for acetamiprid is complete. Currently, inhalation exposure is being assessed by

using hazard information from the developmental neurotoxicity study, which is an oral study. The inhalation risks estimated by this approach are very low. Application of a 10-fold factor to account for the uncertainty associated with this approach would not result in risk estimates of concern.

ii. Acetamiprid produced signs of neurotoxicity in the high dose groups in the acute and developmental neurotoxicity studies in rats. In the acute neurotoxicity study, male and female rats displayed decreased motor activity, tremors, walking and posture abnormalities, dilated pupils, coldness to the touch, and decreased grip strength and foot splay. However, no neurotoxic findings were reported in the subchronic neurotoxicity study. There was a decrease in the auditory startle response in the male rats in the DNT. Tremors in the high dose female mice in the subchronic feeding study were the only other potentially neurotoxic effects observed in the other studies. EPA has selected doses and endpoints for risk assessment that account for these neurological effects; therefore, the Agency has no residual concern regarding neurotoxicity with respect to being protective of human health.

iii. EPA determined that neither quantitative nor qualitative evidence of increased susceptibility of fetuses to *in utero* exposure to acetamiprid was observed in either the developmental toxicity study in rat or rabbit. However, in the 2-generation reproduction study, qualitative evidence of increased susceptibility of rat pups was observed. While parental and offspring NOAELs and LOAELs are set at the same doses, the effects in the offspring (including decreased viability) are considered to be more severe than those observed in the parents (decreased body weight and decreased weight gain). In the DNT study, maternal and offspring effects were observed at the same dose. However, the offspring effects included decreased pup viability which is considered to be more severe than the maternal body weight effects. Therefore, EPA concluded that there was evidence of increased qualitative susceptibility to fetuses exposed *in utero* and/or during lactation in the DNT study. Quantitative evidence of increased susceptibility was not observed in any study.

Since there is evidence of increased qualitative susceptibility of the young following *in utero* exposure to acetamiprid in the rat reproduction study, and increased qualitative susceptibility to pups in the DNT study, EPA performed a degree of concern analysis to determine the level of concern for the effects observed when

considered in the context of all available toxicity data and to identify any residual uncertainties after establishing toxicity endpoints and traditional uncertainty factors to be used in the acetamiprid risk assessment.

Considering the overall toxicity profile and the endpoints and doses selected for the acetamiprid risk assessment, EPA characterized the degree of concern for the effects observed in the acetamiprid DNT study as low, noting that there is a clear NOAEL for the offspring effects and regulatory doses were selected to be protective of these effects. No other residual uncertainties were identified. EPA believes that the endpoints and doses selected for acetamiprid are protective of adverse effects in both offspring and adults.

iv. There are no residual uncertainties identified in the exposure databases. The dietary exposure assessments were based on tolerance level residues and assumed 100% crop treated. Empirical processing factors were used for processed commodities unless such data were not available, in which case DEEM™ default processing factors from Version 7.81 were used. EPA made conservative (protective) assumptions in the ground water and surface water modeling used to assess exposure to acetamiprid in drinking water. EPA used similarly conservative assumptions to assess postapplication exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by acetamiprid.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to acetamiprid will occupy 50% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded

that chronic exposure to acetamiprid from food and water will utilize 33% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of acetamiprid is not expected.

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

Using the exposure assumptions described in this unit for short- and intermediate-term exposures, EPA has concluded the combined short- and intermediate-term food, water, and residential exposures result in aggregate MOEs of 350 for adults and 160 for children aged 3–5 years. Because EPA's level of concern for acetamiprid is a MOE of 100 or below, these MOEs are not of concern.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, acetamiprid is not expected to pose a cancer risk to humans.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (LC-MS/MS, Method #KP-216R0 and its variant #KP-216R1) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; email address: residuemethods@epa.gov.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural

practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint U.N. Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for acetamiprid.

C. Response to Comments

An anonymous citizen objected to the presence of any pesticide residues on food. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned completely. However, the existing legal framework provided by section 408 of the FFDCA contemplates that tolerances greater than zero may be set when persons seeking such or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework.

D. Revisions to Petitioned-For Tolerances

Based upon review of the data supporting the petition, EPA has determined that the requested tolerance (0.02 ppm) for soybean seed is too low. Residues in field trials (maximum = 0.025 ppm) exceed the requested tolerance level and therefore the Agency has established a tolerance of 0.03 ppm for soybean seed using the Organization for Economic Cooperation and Development tolerance calculation procedures. Although there was no petitioned-for tolerance for aspirated grain fractions and residue data was not provided for this commodity, EPA determined that such a tolerance is needed. In processing studies, residues concentrated in soybean hulls by 1.65X, indicating the potential for concentration into aspirated grain fractions. In lieu of empirical data, the Agency used a theoretical concentration factor of 200X to derive a tolerance level for aspirated grain fractions of 5.0 ppm. EPA is establishing a tolerance at that level. The petitioned-for tolerance for

food-feed handling establishments (0.05 ppm) has the potential to confound enforcement actions for field crops that have a tolerance for residues of acetamiprid of less than 0.05 ppm. Given the residue levels observed in the food-feed handling establishment study in conjunction with the exaggerated application rate in that study, residues of acetamiprid are not expected to exceed 0.01 ppm as a result of the requested use in such facilities. Therefore, the Agency has established a tolerance of 0.01 ppm in all food/feed items other than those covered by a higher tolerance from use on growing crops. EPA has also revised the tolerance expression in paragraphs (a)(1), (a)(2) and (c) to correct the name of the chemical to (1E)-N-[(6-chloro-3-pyridinyl)methyl]-N'-cyano-N-methylethanimidamide.

V. Conclusion

Therefore, tolerances are established for residues of acetamiprid, (1E)-N-[(6-chloro-3-pyridinyl)methyl]-N'-cyano-N-methylethanimidamide, in or on soybean, seed at 0.03 ppm; soybean, hulls at 0.04 ppm; grain, aspirated fractions at 5.0 ppm; and commodities treated in food/feed handling establishments at 0.01 ppm.

VI. Statutory and Executive Order Reviews

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

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as

the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply.

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: March 16, 2012.

Lois Rossi,
 Director, Registration Division, Office of
 Pesticide Programs.

Therefore, 40 CFR chapter I is
 amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Section 180.578 is amended as
 follows:

- i. Revising the introductory text of
 paragraphs (a)(1), (a)(2), and (c).
- ii. Adding alphabetically the
 commodities “Grain, aspirated
 fractions”, “Soybean, hulls” and
 “Soybean, seed” to the table in
 paragraph (a)(1).
- iii. Adding paragraph (a)(3).

**§ 180.578 Acetamiprid; tolerances for
 residues.**

(a) *General.* (1) Tolerances are
 established for residues of the
 insecticide acetamiprid (1E)-N-[(6-
 chloro-3-pyridinyl)methyl]-N'-cyano-N-
 methylethanimidamide, including its
 metabolites and degradates, in or on the
 commodities in the table below as a
 result of the application of acetamiprid.
 Compliance with the tolerance levels
 specified below is to be determined by
 measuring only acetamiprid in or on the
 following commodities.

Commodity	Parts per million
* * * * *	*
Grain, aspirated fractions	5.0
* * * * *	*
Soybean, hulls	0.04
Soybean, seed	0.03
* * * * *	*

(2) Tolerances are established for
 residues of the insecticide acetamiprid
 (1E)-N-[(6-chloro-3-pyridinyl)methyl]-
 N'-cyano-N-methylethanimidamide,
 including its metabolites and
 degradates, in or on the commodities in
 the table below as a result of the
 application of acetamiprid. Compliance
 with the tolerance levels specified
 below is to be determined by measuring
 acetamiprid and (1E)-N-[(6-chloro-3-
 pyridinyl)methyl]-N'-cyano-N-
 ethanimidamide in or on the following
 commodities.

* * * * *

(3) A tolerances of 0.01 ppm is
 established for residues of the
 insecticide acetamiprid, including its
 metabolites and degradates, in or on all
 food/feed items (other than those
 covered by a higher tolerance in
 paragraph (a)(1) or (a)(2) of this section
 as a result of the use on growing crops)
 as a result of the application of
 acetamiprid in food/feed handling
 establishments. Compliance with the
 0.01 ppm tolerance level is to be
 determined by measuring only
 acetamiprid (1E)-N-[(6-chloro-3-
 pyridinyl)methyl]-N'-cyano-N-
 methylethanimidamide in or on the
 commodities.

* * * * *

(c) *Tolerances with regional
 registrations.* Tolerances with regional
 registrations are established for residues
 of the insecticide acetamiprid (1E)-N-
 [(6-chloro-3-pyridinyl)methyl]-N'-
 cyano-N-methylethanimidamide,
 including its metabolites and
 degradates, in or on the commodities in
 the table below as a result of the
 application of acetamiprid. Compliance
 with the tolerance levels specified
 below is to be determined by measuring
 only acetamiprid in or on the following
 commodities.

* * * * *

[FR Doc. 2012-7461 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND
 SECURITY**

Transportation Security Administration

49 CFR Part 1572

[Amendment No. 1572-9]

**Transportation Security Administration
 Postal Zip Code Change; Technical
 Amendment**

AGENCY: Transportation Security
 Administration, DHS.

ACTION: Final rule.

SUMMARY: This rule is a technical
 change to correct a regulatory reference
 to TSA’s postal zip code. This rule
 revises existing regulations to reflect
 organizational changes and it has no
 substantive effect on the public.

DATES: Effective March 28, 2012.

FOR FURTHER INFORMATION CONTACT:
 Devara Achuko, Office of the Chief
 Counsel, TSA-2, Transportation
 Security Administration, 601 South
 12th Street, Arlington, VA 20598-6002;
 telephone (571) 227-2649; facsimile
 (571) 227-1378; email
 devara.achuko@dhs.gov.

SUPPLEMENTARY INFORMATION:

Justification for Immediate Adoption

This action is being taken without
 providing the opportunity for notice and
 comment, and it provides for an
 effective date less than 30 days after
 publication in the **Federal Register**.

This rule relates only to agency
 organization, procedure, and practice.
 Therefore, under 5 U.S.C. 553(b)(3)(A),
 this rule is exempt from notice and
 comment rulemaking requirements. The
 changes made by the rule will have no
 substantive effect on the public;
 therefore, under 5 U.S.C. 553(d), this
 rule may become effective less than 30
 days after publication in the **Federal
 Register**.

Background

Beginning December 17, 2008, the
 postal zip codes for TSA headquarters
 facilities in Virginia and Maryland
 changed to new zip codes that are
 unique to TSA to enhance the safety and
 security of incoming mail to the
 Department of Homeland Security
 (DHS) and its components. The physical
 locations of TSA’s facilities, however,
 did not change. The new TSA zip code
 for Virginia addresses changed to 20598
 and for Maryland addresses changed to
 20588. TSA locations in Washington,
 DC continued to use their existing zip
 codes. In addition, the last four digits of
 the new zip code format (zip + 4) now
 represent an office’s routing symbol.

Since 2008, through other rulemaking
 actions, TSA revised most sections of
 TSA regulations (chapter XII of title 49,
 Transportation, of the Code of Federal
 Regulations, parts 1500-1699) that
 contain TSA mailing addresses with
 outdated postal zip codes. The only
 remaining zip code that is out of date is
 § 1572.5(e)(2).

Technical Amendment

This document amends section
 1572.5(e)(2) in order to make this
 editorial change to the zip code from
 “22202-4220” to “20598-6019”. TSA
 makes no other changes to the section.

List of Subjects in 49 CFR Part 1572

Appeals, Commercial driver’s license,
 Criminal history background checks,
 Explosives, Facilities, Hazardous
 materials, Incorporation by reference,
 Maritime security, Motor carriers, Motor
 vehicle carriers, Ports, Seamen, Security
 measures, Security threat assessment,
 Vessels, Waivers.

The Amendment

For the reasons set forth in the
 preamble, the Transportation Security
 Administration amends part 1572 of

Chapter XII of Title 49, Code of Federal Regulations, as follows:

PART 1572—CREDENTIALING AND SECURITY THREAT ASSESSMENTS

■ 1. The authority citation for part 1572 continues to read as follows:

Authority: 46 U.S.C. 70105; 49 U.S.C. 114, 5103a, 40113, and 46105; 18 U.S.C. 842, 845; 6 U.S.C. 469.

Subpart A—Procedures and General Standards

§ 1572.5 [Amended]

■ 2. In § 1572.5(e)(2), remove the numbers “22202–4220”, and add in their place, the numbers “20598–6019”.

Issued in Arlington, Virginia, on March 21, 2012.

John S. Pistole,
Administrator.

[FR Doc. 2012–7401 Filed 3–27–12; 8:45 am]

BILLING CODE 9110–05–P

Proposed Rules

Federal Register

Vol. 77, No. 60

Wednesday, March 28, 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.

DEPARTMENT OF ENERGY

10 CFR Part 438

RIN 1904-AB98

Petroleum Reduction and Alternative Fuel Consumption Requirements for Federal Fleets

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: On March 12, 2012, the Department of Energy (DOE) issued a notice of proposed rulemaking to implement section 142 of the Energy Independence and Security Act of 2007, which amended the Energy Policy and Conservation Act and directed the Secretary of Energy to issue implementing regulations for a statutorily-required reduction in petroleum consumption and increase in alternative fuel consumption for Federal fleets. With this Request for Information (RFI), DOE requests public comment on whether the proposed method for calculating the fiscal year 2005 alternative fuel consumption baseline should include the alternative fuel consumed by exempt vehicles and low-speed electric vehicles.

DATES: Public comment on this RFI will be accepted until April 27, 2012.

ADDRESSES: You may submit comments, identified by RIN 1904-AB98, by any of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
2. *Email:* EISA_142_Comments@ee.doe.gov. Include RIN 1904-AB98 in the subject line of the email. Please include the full body of your comments in the text of the message or as an attachment.

3. *Mail:* Address written comments to Cyrus Nasser, U.S. Department of Energy, Federal Energy Management Program (EE-2L), 1000 Independence Avenue SW., Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt.

This RFI and any comments that DOE receives will be made available on the Federal Energy Management Program's Sustainable Federal Fleets Web site at https://federalfleets.energy.gov/federal_requirements/notices_rules.

FOR FURTHER INFORMATION CONTACT: Cyrus Nasser, U.S. Department of Energy, Federal Energy Management Program (EE-2L), 1000 Independence Avenue SW., Washington, DC 20585, email: Cyrus.Nasser@ee.doe.gov; or Michael Jensen, U.S. Department of Energy, Office of the General Counsel (GC-71), 1000 Independence Avenue SW., Washington, DC 20585, email: Michael.Jensen@hq.doe.gov.

SUPPLEMENTARY INFORMATION: On March 12, 2012, the Department of Energy (DOE) issued a notice of proposed rulemaking to implement section 142 of the Energy Independence and Security Act of 2007 (EISA, Pub. L. 110-140), which amended the Energy Policy and Conservation Act of 1975 (Pub. L. 94-163) and directed the Secretary of Energy to issue implementing regulations for a statutorily-required reduction in petroleum consumption and increase in alternative fuel consumption for Federal fleets (77 FR 14,482 (Mar. 12, 2012)). For additional background on, and a discussion of the statutory authority for, the proposed rule, please refer to the discussion contained in the **SUPPLEMENTARY INFORMATION** of the proposed rule.

Section 142 of EISA provides that not later than October 1, 2015, and for each year thereafter, Federal fleets "shall achieve at least * * * a 10 percent increase in alternative fuel consumption, as calculated from the baseline established by the Secretary for fiscal year [(FY)] 2005." Pursuant to section 438.102(b) of the proposed rule, the alternative fuel consumption baseline values would be the same as the values reported for Federal fleets through the Federal Automotive Statistical Tool Web-based reporting system (FAST) for FY 2005. Moreover, section 438.102(b) would require Federal fleets with extremely low alternative fuel use to be subject to a proposed minimum alternative fuel

consumption baseline. The minimum baseline would be the greater of (1) the amount of alternative fuel consumed by that Federal fleet in FY 2005, expressed in gallon of gasoline equivalent (GGEs), as reflected in FY 2005 FAST data, or (2) the lesser of (a) five percent of total Federal fleet vehicle fuel (petroleum and alternative fuel) consumption and (b) 500,000 GGEs.

DOE notes that the wording of section 438.102(b) potentially could cause confusion as to whether the alternative fuel consumed by exempt vehicles and low-speed electric vehicles (LSEVs) would be required to be included in the calculation of the FY 2005 baseline. At first glance, the proposed regulatory text specifies how to calculate the FY 2005 baseline for each "Federal fleet." As defined under section 438.2(l), the term "Federal fleet" as proposed would not include exempt vehicles and certain types of LSEVs; thus, section 438.102(b) would appear to exclude from the calculation of the FY 2005 alternative fuel consumption baseline the amount of alternative fuel consumed by exempt vehicles and LSEVs. This approach potentially would result in a less stringent mandate for increased alternative fuel consumption by allowing each Federal fleet to account for the alternative fuel consumed by two categories of motor vehicles in determining statutory compliance that would not be considered in the calculation of the FY 2005 baseline.¹

However, section 438.102(b) also provides detailed instruction on how to calculate the FY 2005 baseline with respect to annual "alternative fuel consumption." As defined under section 438.2(d), the term "alternative fuel consumption" as proposed expressly includes the alternative fuel consumed in exempt vehicles and LSEVs; thus, section 438.102(b) could be interpreted to include the amount of alternative fuel consumed by exempt vehicles and LSEVs in calculating the FY 2005 alternative fuel consumption baseline. DOE further notes that the **SUPPLEMENTARY INFORMATION** of the proposed rule also suggests that the FY 2005 alternative fuel consumption baseline calculation could include the

¹ Under the proposed rule, DOE would require Federal fleets to include the alternative fuel consumed by exempt vehicles and LSEVs in determining compliance with the statutorily-required increase in alternative fuel consumption.

alternative fuel consumed by exempt vehicles and LSEVs. Specifically, the **SUPPLEMENTARY INFORMATION** provides that “a correction [of the FY 2005 alternative fuel consumption baseline] might be requested in the event that the Federal fleet’s alternative fuel use value for FY 2005 submitted through FAST did not include the electricity used in the Federal fleet’s LSEVs.” Moreover, the alternative fuel consumption baseline data set forth in Table III.1 of the proposed rule includes the alternative fuel consumed by exempt vehicles and LSEVs.

DOE notes that an approach that required the inclusion of alternative fuel consumed by exempt vehicles and LSEVs in the FY 2005 alternative fuel baseline would be consistent with the existing method for baseline calculation under the alternative fuel consumption requirements of Executive Order 13423. Moreover, such an approach could require each Federal fleet to consume greater amounts of alternative fuel to ensure compliance with the statutorily-required increase in alternative fuel consumption as compared to an approach that did not account for the alternative fuel consumed by exempt vehicles and LSEVs in its baseline calculation.

With this Request for Information, DOE requests public comment on the whether the FY 2005 alternative fuel consumption baseline should include the alternative fuel consumed by exempt vehicles and LSEVs. DOE also requests comment on other potential approaches to complying with the statutorily-required increase in alternative fuel consumption.

Issued in Washington, DC, on March 20, 2012.

Timothy D. Unruh,
Program Manager, Federal Energy
Management Program.

[FR Doc. 2012-7436 Filed 3-27-12; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2012-0327; Directorate Identifier 2011-NM-125-AD]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to certain The Boeing Company Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F airplanes. The existing AD currently requires installing or replacing with improved parts, as applicable, the bonding straps between the metallic frame of the fillet and the wing leading edge ribs, on both the left and right sides of the airplane. The existing AD also requires, for certain airplanes, repositioning or replacing two bonding straps, doing a bonding-resistance check and an inspection to determine correct installation of certain bonding straps, and applicable corrective actions. Since we issued that AD, we have determined that additional actions are necessary to address the identified unsafe condition. This proposed AD would add airplanes to the applicability and retain the requirements of the existing AD. This proposed AD would also require, depending on the airplane configuration, installing new braided bonding straps, inspecting to determine if a certain strap is installed and replacing with or installing a braided bonding strap if necessary, measuring the electrical resistance of the bonding straps, verifying that brackets have an acceptable fillet seal, and corrective actions if necessary. We are proposing this AD to reduce the potential of ignition sources inside fuel tanks in the event of a severe lightning strike, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

DATES: We must receive comments on this proposed AD by May 14, 2012.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

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

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing

Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, California 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; email dse.boecom@boeing.com; Internet <https://www.myboeingfleet>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT:

Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; phone: 562-627-5262; fax: 562-627-5210; email: Samuel.Lee@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-2012-0327; Directorate Identifier 2011-NM-125-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On December 17, 2009, we issued AD 2009-26-17, Amendment 39-16156 (74 FR 69268, December 31, 2009), for certain Boeing Model DC-10-10, DC-

10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes. That AD requires installing or replacing with improved parts, as applicable, the bonding straps between the metallic frame of the fillet and the wing leading edge ribs, on both the left and right sides of the airplane. That AD also requires, for certain airplanes, repositioning or replacing two bonding straps, and doing a bonding-resistance check and an inspection to determine correct installation of certain bonding straps, and applicable corrective actions. That AD resulted from fuel system reviews conducted by the manufacturer. We issued that AD to reduce the potential of ignition sources inside fuel tanks in the event of a severe lightning strike, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Actions Since Existing AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009) Was Issued

Since we issued AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009), Boeing has issued new service information that specifies additional actions that are necessary to address the identified unsafe condition.

Relevant Service Information

We reviewed Boeing Service Bulletin DC10–53–111, Revision 7, dated March 16, 2011, which makes minor corrections and adds part number substitutions.

We also reviewed Boeing Service Bulletin DC10–53–109, Revision 8,

dated March 10, 2011. This service information reinstates airplanes inadvertently omitted from the prior revision of this service information, and describes new additional actions. This service information describes:

- New procedures for installing new braided bonding straps, depending on the airplane configuration.
- Inspecting to determine if a certain strap is installed, and replacing with or installing a braided bonding strap if necessary.
- Measuring the electrical resistance of the bonding straps.
- Verifying that brackets have an acceptable fillet seal.
- Corrective actions if necessary.

Corrective actions include cleaning braided bonding straps, and repairing damaged or missing fillet seals.

FAA’s Determination

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

Proposed AD Requirements

This proposed AD would retain all requirements of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009). This proposed AD would also require accomplishing the additional actions specified in the service information described previously.

Changes to Existing AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009)

Since AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009), was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the service bulletins listed in Table 1 of AD 2009–26–17 are listed in paragraph (g)(2) of this proposed AD, and the service bulletins listed in Table 2 of AD 2009–26–17 are listed in paragraph (g)(1) of this proposed AD.

We also revised paragraph (h) of this proposed AD to describe the affected airplanes. Paragraph (h) of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009), specifies that it is “for airplanes with fuselage numbers not identified in Table 2 of this AD * * *.” Since this proposed AD adds airplanes, we have revised that sentence as follows: “For airplanes with fuselage numbers identified in the applicable service bulletin listed in paragraph (g)(2) of this AD that are not also identified in the applicable service bulletin listed in paragraph (g)(1) of this AD * * *.”

In addition, we have revised the wording of paragraph (k) of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009); however, the intent of that paragraph has not changed.

Costs of Compliance

We estimate that this proposed AD affects 208 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation, inspection, and resistance measurement [retained actions from existing AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009)]	Up to 17 work-hours × \$85 per hour = \$1,445.	Up to \$4,169	Up to \$5,614	Up to \$1,167,712.
Installation, inspection, and resistance measurement [new proposed action]	Up to 16 work-hours × \$85 per hour = \$1,360.	Up to \$33,230	Up to \$34,590	Up to \$7,194,720.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701,

“General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009), and adding the following new AD:

The Boeing Company: Docket No. FAA–2012–0327; Directorate Identifier 2011–NM–125–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by May 14, 2012.

(b) Affected ADs

This AD supersedes AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009).

(c) Applicability

This AD applies to The Boeing Company Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, and DC–10–40F airplanes, and Model MD–10–10F and MD–10–30F airplanes that have been converted from Model DC–10 series airplanes; certificated in any category; as identified in paragraph (c)(1) or (c)(2) of this AD, as applicable.

(1) Boeing Service Bulletin DC10–53–109, Revision 8, dated March 10, 2011 (for airplanes with extended wing-to-fuselage fillets).

(2) Boeing Service Bulletin DC10–53–111, Revision 7, dated March 16, 2011 (for airplanes with conventional wing-to-fuselage fillets).

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by fuel system reviews conducted by the manufacturer. We are issuing this AD to reduce the potential of ignition sources inside fuel tanks in the event of a severe lightning strike, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

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

(g) Restatement of Requirements of AD 2006–16–03, Amendment 39–14703 (71 FR 43962, August 3, 2006), With New Service Information: Install or Replace

For airplanes with manufacturer’s fuselage numbers identified in the applicable service bulletin listed in paragraph (g)(1) of this AD: Within 7,500 flight hours or 60 months after September 7, 2006 (the effective date of AD 2006–16–03, Amendment 39–14703 (71 FR 43962, August 3, 2006)), whichever occurs earlier: Install or replace with improved parts, as applicable, the bonding straps between the metallic frame of the fillet and the wing leading edge ribs, on both the left and right sides of the airplane, in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD. After February 4, 2010 (the effective date of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009)), use the applicable service bulletin identified in paragraph (g)(2) or (g)(3) of this AD. After the effective date of this AD, use only the applicable service bulletin identified in paragraph (g)(3) of this AD to do the actions required by this paragraph.

(1) McDonnell Douglas DC–10 Service Bulletin 53–109, Revision 4, dated October 7, 1992 (for airplanes with extended wing-to-fuselage fillets); or McDonnell Douglas DC–10 Service Bulletin 53–111, Revision 3, dated August 24, 1992 (for airplanes with conventional wing-to-fuselage fillets).

(2) Boeing Service Bulletin DC10–53–109, Revision 7, dated March 3, 2009 (for airplanes with extended wing-to-fuselage fillets); or Boeing Service Bulletin DC10–53–111, Revision 6, dated March 3, 2009 (for airplanes with conventional wing-to-fuselage fillets).

(3) Boeing Service Bulletin DC10–53–109, Revision 8, dated March 10, 2011 (for airplanes with extended wing-to-fuselage fillets); or Boeing Service Bulletin DC10–53–111, Revision 7, dated March 16, 2011 (for airplanes with conventional wing-to-fuselage fillets).

(h) Restatement of Requirements of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009), With New Service Information: Install or Replace

For airplanes with fuselage numbers identified in the applicable service bulletin

listed in paragraph (g)(2) of this AD that are not also identified in the applicable service bulletin listed in paragraph (g)(1) of this AD, except for airplanes identified in paragraph (i) or (j) of this AD: Within 7,500 flight hours or 60 months, whichever occurs first after February 4, 2010 (the effective date of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009)), install or replace with improved parts, as applicable, the bonding straps between the metallic frame of the fillet and the wing leading edge ribs, on both the left and right sides of the airplane. Do the actions in accordance with the Accomplishment Instructions of the applicable service bulletin identified in paragraph (g)(2) or (g)(3) of this AD. After the effective date of this AD, use only the applicable service bulletin identified in paragraph (g)(3) of this AD to do the actions required by this paragraph.

(i) Restatement of Requirements of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009), With New Service Information: Strap Repositioning for Certain Airplanes

For Group 1–4, Configuration 3 airplanes, as identified in Boeing Service Bulletin DC10–53–109, Revision 7, dated March 3, 2009: Within 7,500 flight hours or 60 months after February 4, 2010 (the effective date of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009)), whichever occurs first, do the actions specified in paragraphs (i)(1) and (i)(2) of this AD.

(1) Remove two braided bonding straps and install two longer braided bonding straps between the metallic frame of the fillet and the wing leading edge ribs, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10–53–109, Revision 7, dated March 3, 2009; or Boeing Service Bulletin DC10–53–109, Revision 8, dated March 10, 2011. After the effective date of this AD, use only Boeing Service Bulletin DC10–53–109, Revision 8, dated March 10, 2011, to do the actions required by this paragraph.

(2) Measure the resistance of the previously installed bonding straps and, before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10–53–109, Revision 7, dated March 3, 2009; or Boeing Service Bulletin DC10–53–109, Revision 8, dated March 10, 2011. After the effective date of this AD, use only Boeing Service Bulletin DC10–53–109, Revision 8, dated March 10, 2011, to do the actions required by this paragraph.

(j) Restatement of Requirements of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009), With New Service Information: Inspection and Corrective Action for Certain Airplanes

For Group 1–2, Configuration 2 airplanes, as identified in Boeing Service Bulletin DC10–53–111, Revision 6, dated March 3, 2009: Within 7,500 flight hours or 60 months after February 4, 2010 (the effective date of AD 2009–26–17, Amendment 39–16156 (74 FR 69268, December 31, 2009)), whichever occurs first, do the actions specified in paragraphs (j)(1) and (j)(2) of this AD.

(1) Do a general visual inspection to verify correct installation of the braided bonding straps (one left-hand wing and one right-hand wing) as shown in Sheet 7 in Figure 3 of Boeing Service Bulletin DC10-53-111, Revision 6, dated March 3, 2009, or Boeing Service Bulletin DC10-53-111, Revision 7, dated March 16, 2011; and, before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-111, Revision 6, dated March 3, 2009, or Boeing Service Bulletin DC10-53-111, Revision 7, dated March 16, 2011. After the effective date of this AD, use only Boeing Service Bulletin DC10-53-111, Revision 7, dated March 16, 2011, to do the actions required by this paragraph.

(2) Measure the resistance of the previously installed bonding straps and, before further flight, do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-111, Revision 6, dated March 3, 2009; or Boeing Service Bulletin DC10-53-111, Revision 7, dated March 16, 2011. After the effective date of this AD, use only Boeing Service Bulletin DC10-53-111, Revision 7, dated March 16, 2011, to do the actions required by this paragraph.

(k) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g), (h), (i), and (j) this AD, if those actions were accomplished before February 4, 2010 (the effective date of AD 2009-26-17, Amendment 39-16156 (74 FR 69268, December 31, 2009)), using Boeing Service Bulletin DC10-53-111, Revision 5, dated March 19, 2008; or Boeing Service Bulletin DC10-53-109, Revision 6, dated July 10, 2008.

(l) New Requirements of This AD: Installation and Corrective Actions for Certain Airplanes

Within 7,500 flight hours or 60 months after the effective date of this AD, whichever comes first: Do the applicable actions specified in paragraphs (l)(1) through (l)(6) of this AD, as applicable.

(1) For Group 1-4, Configurations 1 and 2 airplanes, as identified in Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011, except airplanes that are identified in paragraph (g) of this AD: Remove any solid metal bonding straps and install 7 new braided bonding straps, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011.

(2) For Group 1-4, Configurations 1 and 2 airplanes, as identified in Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011, that are also identified in paragraph (g) of this AD: Remove any solid metal bonding straps not removed during the actions required by paragraph (g) of this AD and install a 7th new braided bonding strap (paragraph (g) of this AD requires installing 6 straps), in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011.

(3) For Group 1-4, Configuration 3 airplanes, as identified in Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011, except airplanes identified in paragraph (i) of this AD: Do the actions specified in paragraphs (l)(3)(i) and (l)(3)(ii) of this AD.

(i) Replace one strap with new braided bonding strap, inspect to determine the existence of an installed solid metal bonding strap and replace any missing strap and any solid metal bonding strap with a new braided bonding strap, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011.

(ii) Measure the electrical resistance across each bonding joint of the 6 previously-installed braided strap assemblies and verify that brackets have an acceptable fillet seal, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011. Do all applicable corrective actions before further flight.

(4) For Group 1-4, Configuration 3 airplanes, as identified in Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011, that are also identified in paragraph (i) of this AD: Do the actions specified in paragraphs (l)(4)(i) and (l)(4)(ii) of this AD.

(i) Inspect to determine the existence of an installed solid metal bonding strap and replace any missing strap and any solid metal bonding strap with a new braided bonding strap, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011.

(ii) Measure the electrical resistance across each bonding joint of the 6 previously-installed braided strap assemblies and verify that brackets have an acceptable fillet seal, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011. Do all applicable corrective actions before further flight.

(5) For Group 1-4, Configuration 4 airplanes, as identified in Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011: Do the actions specified in paragraphs (l)(5)(i) and (l)(5)(ii) of this AD.

(i) Inspect to determine the existence of an installed solid metal bonding strap, and replace any missing strap and any solid metal bonding strap with a new braided bonding strap, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011.

(ii) Measure the electrical resistance across each bonding joint of the 6 previously-installed braided strap assemblies and verify that brackets have an acceptable fillet seal, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011. Do all applicable corrective actions before further flight.

(6) For Group 1-4, Configuration 5 airplanes, as identified in Boeing Service

Bulletin DC10-53-109, Revision 8, dated March 10, 2011: Inspect to determine the existence of an installed solid metal bonding strap, and replace any missing strap and any solid metal bonding strap with a new braided bonding strap, in accordance with the Accomplishment Instructions of Boeing Service Bulletin DC10-53-109, Revision 8, dated March 10, 2011.

(m) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD.

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

(3) AMOCs approved previously in accordance with AD 2006-16-03, Amendment 39-14703 (71 FR 43962, August 3, 2006), are approved as AMOCs for the corresponding provisions of paragraphs (g), (h), (i), and (j) of this AD.

(4) AMOCs approved previously in accordance with AD 2009-26-17, Amendment 39-16156 (74 FR 69268, December 31, 2009), are approved as AMOCs for the corresponding provisions of paragraphs (g), (h), (i), and (j) of this AD.

(n) Related Information

(1) For more information about this AD, contact Samuel Lee, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; phone: 562-627-5262; fax: 562-627-5210; email: Samuel.Lee@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800-0019, Long Beach, California 90846-0001; telephone 206-544-5000, extension 2; fax 206-766-5683; email dse.boecom@boeing.com; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on March 16, 2012.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012-7386 Filed 3-27-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**24 CFR Part 891**

[Docket No. FR-5167-P-01]

RIN 2502-A167

Streamlining Requirements Governing the Use of Funding for Supportive Housing for the Elderly and Persons With Disabilities Programs**AGENCY:** Office of the Assistant Secretary of Housing—Federal Housing Commissioner, HUD.**ACTION:** Proposed rule.

SUMMARY: This proposed rule would amend HUD's regulations governing the Section 202 Supportive Housing for the Elderly Program (Section 202) and the Section 811 Supportive Housing for Persons with Disabilities Program (Section 811), by streamlining the requirements for mixed-finance Section 202 and Section 811 developments. This rule would streamline the requirements for mixed-finance developments by removing restrictions on the portions of developments not funded through capital advances, thereby lifting barriers on participation in the development of the projects, and eliminating burdensome funding requirements. These proposed amendments would attract private capital and the expertise of the private developer community to create attractive and affordable supportive housing developments for the elderly and for persons with disabilities. HUD is also taking this opportunity to improve and bring up to date certain regulations governing all Section 202 and Section 811 developments. These changes will permit broader flexibility in the design of Section 202/811 units, extend the duration of the availability of capital advance funds, and make a technical correction.

This proposed rule is the first part of a larger regulatory effort to reform the Section 202 and Section 811 programs, which will include implementation of the changes made to these programs by the Frank Melville Supportive Housing Investment Act of 2010 and the Section 202 Supportive Housing for the Elderly Act of 2010. A subsequent rule, which will focus on the statutory changes, is expected to be published later in 2012.

DATES: *Comment Due Date:* May 29, 2012.**ADDRESSES:** Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, 451 7th Street SW., Room 10276,

Department of Housing and Urban Development, Washington, DC 20410-0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0001.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule. *No Facsimile Comments.* Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 1-800-877-8339. Copies of all comments submitted are available for inspection and downloading at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Aretha Williams, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 6136, Washington, DC 20410-8000; telephone number 202-708-3000 (this is not a toll-free

number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:**I. Background**

The Section 202 and Section 811 programs were established to allow very low-income elderly persons and persons with disabilities the opportunity to live with dignity by providing affordable rental housing offering a range of supportive services to meet the needs of these populations. By providing capital advance and project rental assistance to nonprofit developers seeking to build and maintain supportive housing for very low-income elderly persons and persons with disabilities, the Section 202 and Section 811 programs have proven to be examples of effective partnerships between the Federal Government and nongovernmental entities to achieve a common mission.

The American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106-569, 114 Stat. 2944, approved December 27, 2000) (AHEO Act) amended the authorizing statutes for the Section 202 program (Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q)) and the Section 811 program (Section 811 of the Cranston-Gonzalez National Affordable Housing Act of 1990 (42 U.S.C. 8013)) to allow for the participation of for-profit limited partnerships in the ownership of Section 202 and Section 811 supportive housing, which helped facilitate the use of low-income housing tax credits and mixed-finance methods to infuse private capital into Section 202 and Section 811 developments. An interim rule establishing the Section 202/811 mixed-finance program and implementing the AHEO Act, was published on December 1, 2003 (68 FR 67316). HUD followed publication of the interim rule with a final rule, published on September 13, 2005 (70 FR 54200), that took into account the comments received on the interim rule.

Current economic conditions have reduced the availability of private financing for the development of supportive housing. In order to attract needed private capital, HUD has determined that amendments to the regulations governing the Section 202 and Section 811 programs are needed to further streamline the mixed-finance development process for supportive housing for the elderly and persons with disabilities. While the existing regulations applicable to mixed-finance developments have facilitated the

creation of approximately 1,017 mixed-finance units, they also, in certain circumstances, limit project sponsors from accessing private sector capital and expertise. The changes proposed in this rule will provide mixed-finance owners with more options, better facilitate the use of low-income housing tax credits, and attract other private funding. Moreover, the changes will promote the construction of supportive housing developments that include additional non-Section 202/811-supported units for the elderly and persons with disabilities.

The Section 202 Supportive Housing for the Elderly Act of 2010 (Pub. L. 111-372) (Section 202 Act of 2010) and the Frank Melville Supportive Housing Investment Act of 2010 (Pub. L. 111-374) (Melville Act) were both signed into law on January 4, 2011 (collectively, the Acts), and amended the authorizing statutes for Section 202 and Section 811, respectively. While additional regulatory changes will be necessary to implement these Acts, HUD is taking this opportunity to update the definitions of "private nonprofit organizations" to conform to the Acts, as these definitions directly impact the mixed-finance program. The Section 202 Act of 2010 and the Melville Act provide a much-needed foundation for practical improvements to the Section 202 and Section 811 programs. The regulatory amendments proposed in this rule build upon the Acts from the 111th Congress to further modernize the operation of Section 202 and Section 811 in the mixed-finance context.

II. This Proposed Rule

This proposed rule would amend both the general section of HUD's regulations governing the Section 202 and Section 811 programs that are codified in 24 CFR part 891, and the sections in part 891 specifically governing the mixed-finance program. This rule would allow broader participation by the private development community in the financing of Section 202 and Section 811 mixed-finance developments. The proposed amendments to the regulations would also remove some of the financial restraints on developers in the mixed-finance context by allowing more flexibility in the drawdown of capital advance funds and noncapital advance funds. In addition, because mixed-finance developments have units that are funded via a capital advance by HUD and rental assistance through the Section 202 and Section 811 programs as well as units that are non-Section 202/811 supported, the changes would permit mixed-finance developers to

have more flexibility in bringing in private capital by eliminating restrictions in regard to the non-capital advance units.

In terms of the regulations governing all Section 202 and Section 811 developments, regardless of the source of the financing, this rule would alter the definition sections to improve the clarity of the regulations, permit broader flexibility in the design of Section 202/811 units, extend the duration of the availability of capital advance funds, and make a technical correction.

This rule would also make conforming changes to the definition sections contained in part 891 to reflect the amendments to the Section 202 Act of 2010 and the Melville Act.

Definitions

1. Private nonprofit organizations. The Section 202 Act of 2010 and the Melville Act altered the definition of "private nonprofit organization." This rule would amend the regulations found at §§ 891.205, 891.305, and 891.805 in order to conform to the statutory changes. Among other changes, the Section 202 Act of 2010 gives HUD the authority, in the case of a nonprofit organization sponsoring multiple developments, to determine the criteria for transferring the responsibilities of a single-entity nonprofit owner of an individual development to the governing board of the sponsor that is the sponsoring organization of multiple developments. These changes will be codified in § 891.205.

An additional change made by the Section 202 Act of 2010 is that the definition will now include for-profit limited partnerships of which the sole general partner is a for-profit corporation or a limited liability company that is wholly owned and controlled by one or more nonprofit organizations. Prior to this amendment, the sole general partner could only be a nonprofit organization or a for-profit corporation wholly owned and controlled by a single nonprofit organization. The extension of the type of for-profit limited partnership that may participate in Section 202 developments will be codified in § 891.805.

In the case of Section 811, the Melville Act changes the heading of the definition of "nonprofit organization" to "private nonprofit organization." This change in nomenclature will be codified in § 891.305. However, the substance of this definition in § 891.305 will not be changed, as the additional change made by the Melville Act to the definition of "private nonprofit organization" will be codified in § 891.805.

In addition, the Melville Act deleted the clause "wholly owned and" and simply requires that a corporation be "owned and controlled" by a nonprofit organization. However, the Melville Act does not extend the definition to include limited liability companies. This change will be codified in the definition of "Private nonprofit organization" in § 891.805.

2. Instrumentality of a public body. This rule also proposes amending the definitions of "owner" and "sponsor" in § 891.205 to permit an owner or sponsor of a section 202 development to be an "instrumentality of a public body." A public body would still be prohibited from being an owner or sponsor, as a public body cannot, by definition, be considered a private nonprofit organization, but HUD has determined that, as long as an entity otherwise meets the criteria of ownership or sponsorship, the regulation is too prescriptive. By eliminating this restriction, HUD is expanding the number of private nonprofit organizations who will be able to participate in the development of section 202 projects.

3. Single-purpose/single-asset. In addition, the definitions of "owner" in §§ 891.205, 891.305, and 891.805, as well as the definition of "mixed-finance owner" will be amended to add the qualification that the owner be a single-asset entity. The definition currently requires the owner to be a single-purpose entity. HUD proposes to replace the term "single-purpose" with "single-asset." The definitions of "owner" and "mixed-finance owner" already require that an owner's purpose must include the promotion of the elderly or persons with disabilities, as appropriate, and a strict interpretation of the term "single-purpose" limits the flexibility of owners, especially in the mixed-finance context. In the past, the terms "single-purpose" and "single-asset" have been used interchangeably; however, the proposed change in the regulations will more accurately reflect the type of ownership required for a Section 202 or Section 811 development. A single-asset entity will be defined in § 891.105 as an entity in which the mortgaged property is the only asset of the owner and that has no more than one owner. This definition will apply to the definitions of "owner" and "mixed-finance owner" in §§ 891.205, 891.305, and 891.805.

4. Repairs and rehabilitation. HUD proposes to add new definitions in § 891.105 in order to provide more targeted definitions based on the condition of the building being developed under Section 202 or Section 811. While the current regulation groups

all types of rehabilitation into one category, HUD proposes to provide separate definitions for “repairs, renovations, and improvements” and “substantial rehabilitation.” “Substantial rehabilitation” will be defined as improvements to a property that is in a deteriorated or substandard condition that endangers the health, safety, or well-being of the residents. Substantial rehabilitation does not include cosmetic improvements and must meet one of the following criteria:

a. The cost of repairs, replacements, and improvements exceeds the greater of 15 percent of the estimated property replacement cost after completion of all repairs, replacements, and improvements, or \$6,500 per unit in repairs, replacements, and improvements to rehabilitate the project to a useful life of 55 years, or

b. Two or more major building components are being substantially replaced. Additions are permitted in substantial rehabilitation projects, but the costs for the additions of new units (not building component additions) are *not* included in the eligibility test. “Repairs, replacements, and improvements” are basically anything other than substantial rehabilitation and may include cosmetic repairs. The amount of investment per unit must be below \$6,500 per unit. HUD recognizes that factors such as the state of the housing market and inflation may require an alteration of this amount, and this proposed rule provides that the amount may be adjusted by HUD after advance notice and the opportunity for public comment.

Specific solicitation of comment. The minimum investment of \$6,500 is a threshold amount used in almost all if not all of HUD’s multifamily programs and is an amount familiar to participants in these programs. HUD recognizes that this dollar amount and the minimum useful life of 55 years have been in place for many years, and seeks public comment on whether these thresholds remain a reasonable minimum investment amount in today’s housing market. Additionally, as provided in this rule and cognizant of the rapid changes that can occur in the housing market, HUD proposes for the rule to adjust this amount, but only after providing advance notice through **Federal Register** publication and the opportunity for comment.

Project Design and Cost Standards/Eligible Uses for Assistance

1. *Requirements applicable to all Section 202 and Section 811 developments.* HUD proposes to make several changes to the regulations in

§ 891.120 governing project design and cost standards applicable to all Section 202 and Section 811 developments. These changes are intended to bring HUD’s regulations up to date, as § 891.120 contains provisions that were held over from the predecessor direct loan program from the 1980s. The first change updates § 891.120(a), by providing a reference to the Minimum Property Standards as codified in regulation. The current regulation was promulgated before the codification of the current Minimum Property Standards in 24 CFR part 200 subpart S, and this rule proposes to cross-reference such subpart.

The second change updates § 891.120(c) to reflect the fact that many items formerly thought to be “excess amenities” are now standard requirements in today’s housing market. The current regulation requires that Section 202 and Section 811 developments be of “modest design” and prohibits the use of capital advance or project rental assistance to pay for the installation and continued operation of atriums, bowling alleys, swimming pools, saunas, Jacuzzis, balconies, and decks on individual units, and dishwashers, trash compactors, and washers and dryers in individual units. HUD will retain the restriction on use of HUD funds for atriums, bowling alleys, swimming pools, saunas, and jacuzzis, while permitting the use of capital advance and project assistance funds for balconies and decks, dishwashers, trash compactors, and washers and dryers for individual units. Lifting these restrictions not only brings HUD in line with the standards of the housing market, since they are no longer seen as “excessive amenities,” but also recognizes that the quality of life can be increased by permitting such items.

Lastly, HUD proposes to amend § 891.120(d) regarding smoke detectors to bring the provision up to current standards, by requiring that smoke detectors and alarm devices be installed in accordance with standards and criteria acceptable to HUD for the protection of occupants in any dwelling or facility bedroom or other primary sleeping area.

2. *Mixed-finance developments.* Both § 891.813(c) (“Eligible uses for assistance provided under this subpart”) and § 891.848 (“Project design and cost standards”) provide that the restrictions contained in §§ 891.220 and 891.315 regarding prohibited facilities apply to mixed-finance developments. Under current regulations, § 891.220 prohibits the presence of facilities for infirmaries, nursing stations, or spaces for overnight care in Section 202 developments.

Section 891.315 prohibits the presence of infirmaries, nursing stations, spaces for medical treatment or physical therapy, or padded rooms, even if paid by sources other than the HUD capital advance and project rental assistance contract for Section 811 developments.

HUD has determined that these restrictions of § 891.220 prevent the development of supportive housing for the elderly when the cost to develop and operate these types of facilities is being funded by other sources, and that restrictions on prohibited facilities in Section 202 mixed-finance developments should apply only to the capital advance-funded portion, and not to the entire development. The removal of these restrictions for Section 202 mixed-finance developments assures that HUD-financed developments are capable of having medical facilities and service spaces that may be necessary for ongoing occupancy of frail elderly. Inclusion of these Section 202 facilities will keep these projects competitive with those in the private sector, and assure continued building occupancy and the financial viability of these projects.

However, HUD recognizes the importance of maintaining the restrictions on prohibited facilities for Section 811 developments for both capital advance and non-capital advance portions of the project. HUD is committed to preventing the isolation of persons with disabilities that might occur should medical facilities be contained in Section 811 developments.

In order to provide owners with needed flexibility in the design of the non-capital advance portion of the mixed-finance Section 202 development, HUD proposes amending paragraph (b) of § 891.813, which currently applies only to amenities, to make the provisions of paragraph (b) of § 891.813 applicable to both amenities and “prohibited facilities” in Section 202 mixed-finance developments. This would permit otherwise prohibited Section 202 facilities, provided that: (1) The facilities are not financed with funds made available under Section 202; (2) the facilities are not maintained and operated with funds made available under Section 202; (3) the facilities are designed with appropriate safeguards for the residents’ health and safety; and (4) the assisted residents are not required to use, participate in, or pay a fee for the use or maintenance of the facilities, although they are permitted to do so voluntarily. Any fee charged for the use of the facilities must be reasonable and affordable for all residents of the development. The exception on prohibited facilities in

paragraph (b) of § 891.813 would not extend to Section 811 mixed-finance developments.

In addition, HUD proposes to amend paragraph (c) of § 891.813 by removing the references to Section 202 and the prohibited facilities provisions found in § 891.220, while maintaining the current applicability of § 891.315 to Section 811 mixed-finance developments.

Section 891.848 regarding project design and cost standards would be amended to reflect the changes being made to paragraphs (b) and (c) of § 891.813 by stating that the provisions regarding prohibited facilities contained in § 891.220 do not apply to mixed-finance developments, subject to the restrictions of paragraph (b) of § 891.813. The current statement in § 891.848 regarding the inclusion of prohibited facilities in Section 811 mixed-finance developments, as set forth in § 891.315, would remain the same. HUD proposes to amend § 891.848 further by stating that while mixed-finance developments must comply with the project design and cost standards contained in § 891.120, the requirements regarding amenities specified in paragraph (c) of § 891.120 do not apply, subject to the restrictions in paragraph (b) of § 891.813. This would not be a substantive change to current regulations. Paragraph (b) of § 891.813 already states that the restrictions on amenities in paragraph (c) of § 891.120 do not apply to mixed-finance developments, provided that certain conditions are met, and this proposed rule would make §§ 891.813(b) and 891.848 consistent.

Prohibited Relationships

HUD's regulations at 24 CFR 891.130 specify prohibited relationships in the provision of capital advances under the Section 202 and Section 811 programs. In general, officers and board members of either the owner or the sponsor of the development are prohibited from having any financial interest in a contract with the owner or any firm that has a contract with the owner, and which would create a conflict of interest. In addition, § 891.130 prohibits an identity of interest between the sponsor or owner and any development team member or between development team members, for 2 years after closing.

Management contracts, supportive services contracts, and developer or consultant contracts between the owner and sponsor or the sponsor's nonprofit affiliate are exempted from the conflict-of-interest provisions, provided that no more than two persons salaried by the sponsor or management affiliate serve as nonvoting directors on the owner's

board of directors. In order to provide more flexibility in the financing of Section 202 and Section 811 developments, HUD proposes amending § 891.130(a)(2) to include an additional provision to the conflict-of-interest section that will exempt contracts for the sale of land between an owner and the sponsor or the sponsor's nonprofit affiliate.

In addition to broadening the exceptions to the conflict-of-interest rules, HUD proposes to amend § 891.832, which sets forth that mixed-finance projects are subject to the conflict-of-interest and identity-of-interest provisions, by stating that the requirements of paragraph (b) of § 891.130 regarding identity of interest do not apply in the mixed-finance context, while maintaining the applicability of the conflict-of-interest provisions in paragraph (a) of § 891.130. HUD has determined that the current identity-of-interest prohibitions limit the involvement of the private development community in the Section 202 and Section 811 mixed-finance program.

To correspond to the proposed amendment to § 891.832, HUD proposes removing paragraph (c) of § 891.130, which states that the provisions regarding prohibited relationships contained in § 891.130(a)–(b) apply to mixed-finance developments. Altering paragraph (c) of § 891.130 along with § 891.832 would make the regulations consistent.

Audit Requirements

Section 891.160 currently states that nonprofit organizations receiving assistance under the Section 202 and Section 811 programs are subject to the audit requirements in 24 CFR part 45. In 1996, HUD regulations were streamlined and some passages in the CFR, including 24 CFR part 45, were removed. Part 45 no longer exists, and HUD is correcting the citation in § 891.160 to refer to the correct portion of the CFR regarding audit requirements (24 CFR 5.107). This is a technical correction and will not alter the current audit requirements for nonprofit organizations receiving assistance under the Section 202 and Section 811 programs.

Duration of Capital Advance

Section 891.165, governing the duration of the availability of capital advance funds, currently limits the duration of the fund reservations for the capital advances to 18 months from the date of issuance of the fund reservation award with limited exceptions of up to 24 months, as approved by HUD on a

case-by-case basis. HUD proposes to extend the duration of availability to 24 months in all cases, with the option of extending this period to 36 months, at HUD's discretion. Currently, owners often request waivers of this provision, and by extending the fund reservation period, HUD will be reducing the burden placed on owners who must apply for an extension and support the review of the waiver. Rather than spending time on this administrative requirement, owners can focus on the projects to ensure that projects reach initial closing and start construction within 24 months. The intent is to also encourage participation in the mixed-finance program, which normally requires additional time to reach initial closing.

Repayment of Capital Advance

In mixed-finance transactions in which HUD is one of many sources of funding, questions have arisen regarding the extent of HUD's interest in the supportive housing project. To address these questions, this rule provides that HUD's requirements applicable to capital advance units are not applicable to non-202/811 supported units in the project. Section 891.170 states that the transfer of physical or financial assets of a Section 202 or Section 811 development is not permitted unless HUD determines that the transfer is part of a transaction that will ensure "the continued operation of the project" for at least 40 years in a manner that will provide low-income housing for the elderly or persons with disabilities. This proposed rule will change the phrase "the continued operation of the project" to "the continued operation of the capital advance units." This will have the effect of clarifying that HUD's regulatory authority over Section 202 and Section 811 developments to ensure that the units will provide rental housing for very low-income elderly persons or persons with disabilities extends only to units funded through capital advances or assisted by funds made available under the Section 202 and Section 811 programs.

HUD does not require that the non-202/811 supported units in a mixed-finance Section 202 or Section 811 development be rented to very low-income elderly persons or persons with disabilities. Explicitly limiting the scope of HUD's regulatory oversight in mixed-finance developments to capital advance and supported units should eliminate any uncertainty among other lien holders with respect to the operation of non-202/811 supported units.

Drawdowns

Section 891.830 describes the drawdown procedures for the capital advance and non-capital advance funds. In some instances, this regulatory section lacks needed flexibility. HUD has processed several waiver requests because the regulation does not include a procedure for the release of capital advance financing upon completion of a project. The proposed amendment will have the effect of permitting mixed-finance developers to use low-income housing tax credits more effectively. Following promulgation of a final rule after the notice and comment procedure for this proposed rule is completed, HUD will issue further processing instructions on the release of capital advance financing upon completion of a development as it relates to low-income housing tax credits.

Rather than grant additional regulatory waivers, HUD proposes to permit the release of capital advance funds upon completion of the project, by eliminating detailed requirements from the drawdown regulation. In particular, HUD proposes to amend § 891.830(b) to permit non-capital advance funds to be disbursed before the drawdown of capital advance funds to increase the developer's flexibility in financing the project, and this amendment would allow this flexibility to be worked out between the developer and HUD in formulating a drawdown schedule. Despite the changes to this section, developers will still be prohibited from using capital advance funds for ineligible costs, such as debt service on the financing.

Section 891.830(c)(4) currently prohibits the use of funds for paying off bridge or construction financing, or repaying or collateralizing bonds. HUD proposes to amend this provision by permitting the use of funds for these purposes, provided that the funds are used to pay off bridge or construction financing, or repaying or collateralizing bonds only for the portion of such financing or bonds that was used for capital advance units, permitting broader flexibility in a mixed-finance owner's use of financing and bonds. Many fixed transactions rely on 4 percent low-income housing tax credits paired with tax-exempt bonds. In these transactions, at least 51 percent of the qualified cost of construction must be bond-financed. Accordingly, the Section 202 funds cannot be used in lieu of the bonds and must instead be used as a "take-out source."

III. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are "outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned." Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This rule was determined to be a "significant regulatory action," as defined in section 3(f) of the Executive Order (although not an economically significant regulatory action, as provided under section 3(f)(1) of the Order).

As noted earlier in this preamble, the Section 202 Act of 2010 and the Melville Act made several changes to the Sections 202 and 811 programs. The majority of the changes made by these two acts that require regulatory change will be implemented through separate rulemaking. However, this proposed rule begins the process of amending the Supportive Housing Program regulations to expand flexibility for owners and sponsors by, for example, broadening the definition of private nonprofit organizations, as well as the definition of eligible participants to include a broader range of nonprofit organizations.

Only one change proposed by this rule represents a new requirement for program participants. The proposed rule requires owners to provide a smoke detector and alarm in every bedroom or primary sleeping area that they own. Though this requirement is being added to the program regulations, it is already a requirement in most local codes and, therefore, does not reflect a significant cost that would result from this rulemaking.

The rule proposes to remove the existing prohibition on funding certain amenities and funding Section 202 and Section 811 developments that include health-care facilities. The removal of the prohibition on certain amenities allows for funding units that contain

dishwashers, trash compactors, and washers and dryers, as well as units that have patios or balconies attached. With respect to health-care facilities, the existing regulations have a blanket prohibition against including health-care facilities within the developments as a safeguard against the institutionalization of the elderly and disabled residents. This rule does not propose to require program participants to include these amenities or health-care facilities in the developments. Rather, this rule proposes only to remove the prohibition on funding units that have these amenities or developments that have such facilities. The proposed rule does not allow for health-care facilities to be financed by HUD funds, and use of the facilities must be voluntary for the residents of the projects.

HUD funds can be used for units that contain or are attached to the previously prohibited amenities, but there is no requirement that units provide these amenities, and providing these amenities is unlikely to increase costs to the program. The amenities are fairly standard in today's apartments and will benefit the residents of program units and make these units more attractive and capable of attracting and retaining tenants. The wider range of allowable amenities is likely to also have the benefit of combating discrimination by reducing the potential for program units and their residents to be easily singled out within a mixed-finance development.

The voluntary nature of funding units with such amenities or developments that contain health-care facilities makes it difficult to predict the impact of these changes on future Section 202 and 811 units, since these two programs together produce only a few hundred developments a year (193 in 2008 and 170 in 2009). Consequently, the overall economic impact from these proposed limited changes in development and unit configuration is expected to be small.

The proposed rule also provides benefits from improving government processes. For example, extending the time of availability of capital advance funds from 18 to 24 months should limit the number of waivers that HUD traditionally processes for these programs as developers regularly exceed the 18 month time frame. The program regulations providing for the 18-month time frame were issued in 1996, and these regulations no longer reflect the additional time often needed by developers to obtain the requisite permits and approvals from local authorities. In Fiscal Year 2010, HUD processed 49 such waivers, and, in what

has been described as a time-consuming, case-specific process, 33 percent of the waivers under the program were processed that year.

The remaining changes in the proposed rule are definitional and offer participants greater flexibility and clarity within the program at no obvious cost to the program or participants. Although this rule, as noted earlier, does not propose to implement the key changes from the Section 202 Act of 2010 and the Melville Act, the Congressional Budget Office (CBO) found no significant intergovernmental and private sector impacts in its analysis of the bills prior to enactment.

The docket file is available for public inspection in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202-708-3055 (this is not a toll-free number).

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. In the mixed-finance context, this proposed rule would amend HUD's Section 202 and 811 program regulations governing capital advances, for-profit limited partnerships, and mixed-finance development methods to facilitate the development and availability of housing for the elderly and persons with disabilities. The proposed regulatory amendments would not impose any additional regulatory burdens on entities participating in these programs. To the contrary and as more fully explained above in this preamble, the proposed amendments would streamline requirements, reduce requests for regulatory waivers, and increase flexibility in mixed-financed developments in order to attract private capital and expertise to the construction of supportive housing for the elderly and persons with disabilities. The proposed regulatory changes would also streamline the use of low-income tax credits, as well as the obtaining of funding from other sources. National, regional, and local developers utilize the mixed-finance program and will save time and gain efficiency from no

longer having to request regulatory waivers.

In the context of the applicability of this rule to all Section 202 and 811 developments, this rule would reduce regulatory burden by extending the time period for the availability of capital advances and increase flexibility by permitting developers to utilize capital advance and project rental assistance funds to install and operate amenities that are now commonly found in market-rate units and that assist in improving the lives of the elderly and persons with disabilities. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Notwithstanding HUD's determination that this rule will not have a significant effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made, in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). That finding is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the finding by calling the Regulations Division at 202-708-3055 (this is not a toll-free number).

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule will not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This proposed rule does not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of UMRA.

Catalogue of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance Number for the principal Federal Housing Authority single-family mortgage insurance program is 14.117.

List of Subjects in 24 CFR Part 891

Aged, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, for the reasons discussed in the preamble, HUD proposes to amend 24 CFR part 891 as follows:

PART 891—SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

1. The authority citation for part 891 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 1437f, 3535(d), and 8013.

2. In § 891.105, revise the introductory text, remove the definition of "Rehabilitation," and add the definitions of "Acquisition with or without repair," "Repairs, replacements, and improvements," "Single-asset entity," and "Substantial rehabilitation" in alphabetical order to read as follows:

§ 891.105 Definitions.

The following definitions apply, as appropriate, throughout this part. Other terms with definitions unique to the particular program are defined in §§ 891.205, 891.305, 891.505, and 891.805, as applicable.

Acquisition with or without repair means the purchase of existing housing and related facilities.

* * * * *

Repairs, replacements, and improvements means the improvement of the condition of a property, in a condition acceptable to HUD. Repairs may vary in degree from minor reconstruction to the cure of accumulation of deferred maintenance. Cosmetic improvements alone may

qualify under this definition. Repair may also include renovation, alteration, or remodeling for the conversion or adaptation of structurally sound property to the design and condition required under this part, or the repair or replacement of major building systems or components in danger of failure. Repairs, replacements, and improvements of an existing structure may be up to \$6,500 per dwelling unit (or such other amount to be specified by HUD through notice and comment) of the estimated development cost to rehabilitate the project to a useful life of 55 years.

Single-asset entity, for the purpose of this subpart, means an entity in which the mortgaged property is the only asset of the owner, and there may not be more than one owner.

Substantial rehabilitation means the improvement of the condition of a property from deteriorated and substandard to a condition acceptable to HUD. Substandard or deteriorated properties are those which do not provide safe and adequate shelter, and in their present condition endanger the health, safety, or well-being of the occupants. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction to the cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as substantial rehabilitation under this definition. Substantial rehabilitation may also include renovation, alteration, or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this part, or the repair or replacement of major building systems or components in danger of failure. Substantial rehabilitation must meet one of the following criteria: (a) The cost of repairs, replacements, and improvements exceeds the greater of 15% of the estimated property replacement cost after completion of all repairs, replacements, and improvements, or \$6,500 per dwelling unit (or such other amount to be specified by HUD through notice and comment) to substantially rehabilitate the project to a useful life of 55 years; or (b) Two or more major building components are being substantially replaced. Additions are permitted in substantial rehabilitation projects, but the costs for the additions of new units (not building component additions) are not included in the eligibility test.

3. In § 891.120, revise paragraphs (a), (c), and (d) to read as follows:

§ 891.120 Project design and cost standards.

(a) *Property standards.* Projects under this part must comply with HUD Minimum Property Standards as set forth in 24 CFR part 200, subpart S.

(c) *Restrictions on amenities.* Projects must be modest in design. Amenities not eligible for HUD funding include atriums, bowling alleys, swimming pools, saunas, and jacuzzis. Sponsors may include certain excess amenities, but they must pay for them from sources other than the Section 202 or 811 capital advance. They must also pay for the continuing operating costs associated with any excess amenities from sources other than the Section 202 or 811 project rental assistance contract.

(d) *Smoke detectors.* Smoke detectors and alarm devices must be installed in accordance with standards and criteria acceptable to HUD for the protection of occupants in any dwelling or facility bedroom or other primary sleeping area.

4. In § 891.130:

a. Revise paragraph (a)(2)(ii) by removing the word “and” that follows the semicolon after paragraph (a)(2)(ii);

b. Revise paragraph (a)(2)(iii) by removing the period at the end and replacing it with a semicolon, and adding the word “and” after the semicolon;

c. Add a new paragraph (a)(2)(iv); and

d. Remove paragraph (c) to read as follows:

§ 891.130 Prohibited relationships.

- (a) * * *
- (2) * * *
- (iv) Contracts for the sale of land.

5. Revise § 891.160 to read as follows:

§ 891.160 Audit requirements.

Nonprofit organizations receiving assistance under this part are subject to the audit requirements of 24 CFR 5.107.

6. Revise § 891.165 to read as follows:

§ 891.165 Duration of capital advance.

(a) The duration of the fund reservation for a capital advance with construction advances is 24 months from the date of initial closing. This duration can be up to 36 months, as approved by HUD on a case-by-case basis.

(b) The duration of the fund reservation for projects that elect not to receive any capital advance before

construction completion is 24 months from the date of issuance of the award letter to the start of construction. This duration can be up to 36 months, as approved by HUD on a case-by-case basis.

7. In § 891.170, revise paragraph (b) to read as follows:

§ 891.170 Repayment of capital advance.

(b) *Transfer of assets.* The transfer of physical and financial assets of any project under this part is prohibited, unless HUD gives prior written approval. Approval for transfer will not be granted unless HUD determines that the transfer to a private nonprofit corporation, consumer cooperative (under the Section 202 Program), a private nonprofit organization (under the Section 811 Program), or an organization meeting the definition of “mixed-finance owner” in § 891.805, is part of a transaction that will ensure the continued operation of the capital advance units for not less than 40 years (from the date of original closing) in a manner that will provide rental housing for very low-income elderly persons or persons with disabilities, as applicable, on terms at least as advantageous to existing and future tenants as the terms required by the original capital advance.

8. In § 891.205, revise the definitions of “Owner,” “Private nonprofit organization,” and paragraph (3) of the definition of “Sponsor” to read as follows:

§ 891.205 Definitions.

Owner means a single-asset private nonprofit organization that may be established by the Sponsor that will receive a capital advance and project rental assistance payments to develop and operate supportive housing for the elderly as its legal owner. Owner does not mean public body. The purposes of the Owner must include the promotion of the welfare of the elderly. The Owner may not be controlled by or be under the direction of persons or firms seeking to derive profit or gain therefrom.

Private nonprofit organization means any incorporated private institution or foundation:

(1) No part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(2) That has a governing board:

(i) The membership of which is selected in a manner to assure that there is significant representation of the views of the community in which such housing is located; and

(ii) Which is responsible for the operation of the housing assisted under this section, except that, in the case of a nonprofit organization that is the sponsoring organization of multiple housing projects assisted under this section, HUD may determine the criteria or conditions under which financial, compliance, and other administrative responsibilities exercised by a single- entity private nonprofit organization that is the owner corporation of an individual housing project may be shared or transferred to the governing board of such sponsoring organization; and

(3) Which is approved by HUD as to financial responsibility.

* * * * *

Sponsor * * *

(3) That is approved by the Secretary as to administrative and financial capacity and responsibility. The term Sponsor does not mean a public body.

* * * * *

9. In § 891.305, revise the heading of the definition of “Nonprofit organization” to read “Private nonprofit organization” and relocate in correct alphabetical order, and revise the first sentence of the definition of “Owner” to read as follows:

§ 891.305 Definitions.

* * * * *

Owner means a single-asset private nonprofit organization established by the Sponsor that will receive a capital advance and project rental assistance payments to develop and operate, as its legal owner, supportive housing for persons with disabilities under this part.

* * *

* * * * *

10. Revise § 891.805 to read as follows:

§ 891.805 Definitions.

In addition to the definitions at §§ 891.105, 891.205, and 891.305, the following definitions apply to this subpart:

Mixed-finance owner, for the purpose of the mixed-finance development of housing under this part, means a single-asset, for-profit limited partnership of which a private nonprofit organization is the sole general partner. The purpose of the mixed-finance owner must include the promotion of the welfare of the elderly or persons with disabilities, as appropriate.

Private nonprofit organization, for the purpose of this subpart, means:

(1) In the case of supportive housing for the elderly:

(i) An organization that meets the requirements of the definition of

“private nonprofit organization” in § 891.205; and

(ii) A for-profit limited partnership, the sole general partner of which owns at least one-hundredth of one percent of the partnership assets whereby the sole general partner is either: An organization meeting the requirements of § 891.205; or a for-profit corporation wholly owned and controlled by one or more organizations meeting the requirements of § 891.205; or a limited liability company wholly owned and controlled by one or more organizations meeting the requirements of § 891.205. If the project will include units financed with the use of federal Low-Income Housing Tax Credits and the organization is a limited partnership, the requirements of section 42 of the IRS code, including the requirements of section 42(h)(5), apply. The general partner may also be the sponsor, so long as it meets the requirements of this part for sponsors and general partners.

(2) In the case of supportive housing for persons with disabilities:

(i) An organization that meets the requirements of the definition of “private nonprofit organization” in § 891.305; and

(ii) A for-profit limited partnership, the sole general partner of which owns at least one-hundredth of one percent of the partnership assets whereby the sole general partner is either: An organization meeting the requirements of § 891.305 or a corporation owned and controlled by an organization meeting the requirements of § 891.305. If the project will include units financed with the use of federal Low-Income Housing Tax Credits and the organization is a limited partnership, the requirements of section 42 of the IRS code, including the requirements of section 42(h)(5), apply. The general partner may also be the sponsor, so long as it meets the requirements of this part for sponsors and general partners.

11. In § 891.813, revise paragraphs (b) and (c) to read as follows:

§ 891.813 Eligible uses for assistance provided under this subpart.

* * * * *

(b) Assistance under this subpart may not be used for excess amenities, as stated in § 891.120(c), or for Section 202 “prohibited facilities,” as stated in § 891.220. Such amenities or Section 202 prohibited facilities may be included in a mixed-finance development only if:

(1) The amenities or prohibited facilities are not financed with funds provided under the Section 202 or Section 811 program.

(2) The amenities or prohibited facilities are not maintained and operated with Section 202 or 811 funds;

(3) The amenities or prohibited facilities are designed with appropriate safeguards for the residents’ health and safety; and

(4) The assisted residents are not required to use, participate in, or pay a fee for the use or maintenance of the amenities or prohibited facilities, although they are permitted to do so voluntarily. Any fee charged for the use, maintenance, or access to amenities or prohibited facilities by residents must be reasonable and affordable for all residents of the development.

(c) Notwithstanding any other provision of this section, § 891.315 on “prohibited facilities” shall apply to mixed-finance developments containing units assisted under section 811.

12. In § 891.830, revise paragraphs (b) and (c)(4) to read as follows:

§ 891.830 Drawdown.

* * * * *

(b) Non-capital advance funds may be disbursed before capital advance proceeds or the capital advance funds may be drawn down in an approved ratio to other funds, in accordance with a drawdown schedule approved by HUD.

(c) * * *

(4) The capital advance funds drawn down will be used only for eligible costs actually incurred in accordance with the provisions of this subpart and the approved mixed-finance project, which include costs stated in 12 U.S.C. 1701q(h) and 42 U.S.C. 8013(h). Capital advance funds may be used for paying off bridge or construction financing, or repaying or collateralizing bonds, but only for the portion of such financing or bonds that was used for capital advance units;

* * * * *

13. Revise § 891.832 to read as follows:

§ 891.832 Prohibited relationships.

(a) Paragraph (a) of § 891.130, describing conflicts of interest, applies to mixed finance developments.

(b) Paragraph (b) of § 891.130, describing identity of interest, does not apply to mixed-finance developments.

14. Revise § 891.848 to read as follows:

§ 891.848 Project design and cost standards.

(a) The project design and cost standards at § 891.120 apply to mixed-finance developments under this subpart, with the exception of § 891.120(c), subject to the provisions of § 891.813(b).

(b) For Section 202 mixed-finance developments, the prohibited facilities requirements described at § 891.220 shall apply to only the capital advance-funded portion of the Section 202 mixed-finance developments under this subpart, subject to the provisions of § 891.813(b).

(c) For Section 811 mixed-finance developments, the prohibited facilities requirements described at § 891.315 shall apply to the entire mixed-finance development.

Dated: March 2, 2012.

Carol J. Galante,

*Acting Assistant Secretary for Housing—
Federal Housing Commissioner.*

[FR Doc. 2012-7316 Filed 3-27-12; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 982

[Docket No. FR-5453-P-01]

RIN 2577-AC86

Public Housing and Section 8 Programs: Housing Choice Voucher Program: Streamlining the Portability Process

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's regulations governing portability in the Housing Choice Voucher (HCV) program. Portability is a feature of the HCV program that allows an eligible family with a housing choice voucher to use that voucher to lease a unit anywhere in the United States where there is a public housing agency (PHA) operating an HCV program. The purpose of HUD's proposed changes to the portability regulations is to clarify requirements already established in the existing regulations and improve the process involved with processing portability requests to enable PHAs to better serve families and expand housing opportunities. It is HUD's intent to increase administrative efficiencies by eliminating confusing and obscure regulatory language in areas that are known to be troublesome. This proposed rule attempts to balance the needs and interests of PHAs while increasing family choice.

DATES: *Comment Due Date:* May 29, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding

this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule. *No Facsimile Comments.* Facsimile (Fax) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339. Copies of all comments submitted are available for inspection and downloading at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Laure Rawson, Director, Housing Voucher and Management Operations Division, Office of Housing Choice Vouchers, Department of Housing and

Urban Development, 451 7th Street SW., Room 4216, Washington, DC 20410-8000, telephone number 202-708-0477 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

I. Background

The HCV program is the Federal Government's largest program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. The HCV program is authorized by section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1473f(o)) (1937 Act), and the HCV program regulations are found in 24 CFR part 982.

Housing choice vouchers are administered locally by PHAs. PHAs receive federal funds from HUD to administer the HCV program. A family that is issued a housing choice voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's current residence. Rental units must meet minimum standards of health and safety, as determined by the PHA and must also meet a reasonable rent determination based on similar unassisted units. The maximum amount the PHA can pay toward a unit is determined by the payment standard set using the annual Fair Market Rents published by HUD. The PHA determines the family's annual income to determine the amount that the family will contribute toward rent, which is generally 30 percent of its adjusted annual income. A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family to pay the difference between the payment standard and the tenant rent contribution. A key feature of the HCV program is the mobility of the voucher assistance or "portability." Section 8(r) of the 1937 Act provides that HCV participants may choose a unit that meets program requirements anywhere in the United States, provided that a PHA administering the tenant-based program has jurisdiction over the area in which the unit is located. The term "portability" refers to the process of leasing a dwelling unit with tenant-based housing voucher assistance outside of the jurisdiction of the PHA that initially issued the family its voucher (the initial PHA). Currently, program regulations, found at 24 CFR 982.353 through 982.355, detail where a

family may move and the responsibilities of the initial PHA and the receiving PHA (the PHA with jurisdiction over the area to which the family desires to move). Situations have arisen during the time these regulations have been in place that have caused HUD to identify several issues with the potential to delay or impede the ability of families to relocate while retaining their voucher. One of the main purposes of this proposed rule is to make it easier for families with housing vouchers to relocate to areas that may offer greater opportunities.

On March 2 and 3, 2010, the Office of Public and Indian Housing convened a meeting among PHAs, representatives from PHA organizations such as the Public Housing Authorities Directors Association, the National Leased Housing Association, the National Association of Housing and Redevelopment Officials, and Council of Large Public Housing Authorities, along with HUD staff, to discuss portability. Representatives of PHAs and industry organizations raised such issues as: the difficulty in resolving payment issues between an initial PHA and a receiving PHA; the ability of PHAs to absorb a high number of families that seek to move to their jurisdiction; the coordination of reporting between an initial PHA and a receiving PHA; and different program requirements of PHAs in portability arrangements.¹ This rule addresses several of the issues raised at these meetings, as well as issues identified by HUD in its review of the voucher regulations. Through amendments to the HCV program regulations, this rule proposes to: (1) More clearly delineate the roles of initial and receiving PHAs, making the portability process more certain; (2) improve accountability in portability billing arrangements between PHAs; and (3) increase family choice and reduce burden in locating suitable housing.

II. This Proposed Rule—Section-by-Section Review and Issues for Comment

Definitional Changes (§ 982.4)

After receiving a voucher, and particularly in the case of portability moves, a family has a limited window of time to locate suitable housing. After a family has located a unit, the family is required to submit a request for PHA approval of the tenancy. Currently, a

PHA has a choice in adopting a policy that would allow for suspension of the voucher term when the family submits a request for tenancy approval. This proposed rule would revise the definition of “suspension” in § 982.4 to remove the phrase “for such period as determined by the PHA” from the definition and to replace it with the “stopping of the clock” from the date on which the family submits a request for PHA approval of the tenancy, until the date the PHA approves or denies the request. This change would require PHAs to stop the clock on the family’s voucher in order to give the family the maximum time possible to locate a suitable unit and remove potential barriers to mobility.

Suspension of Voucher Term (§ 982.54)

This section of the proposed rule removes any reference to PHA discretion regarding “suspension” based on the revised definition of “suspension.”

Mandatory Voucher Suspension (§ 982.303)

Under the current regulation at § 982.303(c), a PHA may suspend the term of the voucher when a family submits a request for tenancy approval. The proposed rule would mandate suspension for all vouchers issued, and the suspension would last from the date the family submits the request for tenancy approval until the PHA approves or denies such request. Without this suspension, families may lose valuable time on their voucher while waiting for the PHA to complete the Housing Quality Standards (HQS) inspection requirements and to make a determination of approval or denial of the tenancy. This proposed change would give families the maximum time possible to locate a suitable unit and removes potential barriers to mobility.

Notification Requirement Before Denying Moves for Insufficient Funding (§ 982.354)

The regulations currently allow a PHA to deny a family permission to move if the PHA does not have sufficient funding. In the proposed rule, HUD would require a PHA to provide written notification to the local HUD Field Office when the PHA determines it is necessary to deny moves based on a determination of insufficient funding. The additional notification required by this proposed rule would help ensure that a PHA has considered the circumstances of each move prior to determining that insufficient funding is available.

Portability Processing Procedures (§ 982.355)

If a family chooses to exercise portability under the proposed rule, the initial PHA administering the family’s voucher would be required to contact the receiving PHA to determine if the receiving PHA will bill or absorb the voucher. The proposed rule would require that the communication by both PHAs be by email or other confirmed delivery method. HUD encourages PHAs to communicate this information via email in order to expedite the processing of the families’ request. The confirmed delivery method is important in documenting the communication between PHAs. HUD would not prescribe a specific form to be used for this communication. This communication and documentation requirement redistributes the administrative burden on the front-end of a family move and prevents future disputes between PHAs regarding the billing of individual families. Further, this requirement will prevent families from engaging in costly interjurisdictional moves prior to a final determination of receiving assistance in their new jurisdiction.

When a receiving PHA agrees to absorb a family, the initial PHA often relies on this agreement and plans its annual budget accordingly. When a receiving PHA reverses this decision later, the impact on the family can be devastating. When an initial PHA has insufficient funds to cover the cost of the voucher in the receiving PHA’s jurisdiction, the family is required to relocate to the initial jurisdiction or relinquish assistance entirely. Under the proposed rule, if a receiving PHA decides to absorb the family, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA. This requirement will provide PHAs with stable, consistent information necessary to plan financially and to better serve families.

HUD also adds clarifying language to this section of the rule stating that a receiving PHA cannot refuse to assist incoming portable families as is currently required by § 982.355(a). HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families. Although HUD anticipates that refusals and thus the need for prior approval will be uncommon, such prior approval helps HUD to monitor and ensure that any refusal by a PHA to accept incoming

¹ A summary of these meetings can be found on HUD’s Web site at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv under “2010 Meeting Summary-Report on the Convening Session of SEMAP and Portability.”

portable families is documented and approved.

Term of Receiving PHA Voucher
(§ 982.355)

HUD is proposing to add an additional 30 days to the term of the voucher for portability moves to accommodate the additional time that the portability process requires. For example, under the current regulations, the time period when the family is waiting to attend a briefing session at the receiving PHA is counting against the family's initial voucher expiration date, thus reducing the family's time to locate a unit.

Administrative Fee (§ 982.355)

Under current regulation, when a voucher is in a portability billing arrangement between the initial PHA and receiving PHA, the initial PHA must pay the receiving PHA 80 percent of its administrative fee for each month the family receives assistance at the receiving PHA. The proposed rule would set the maximum amount the initial PHA is required to pay at 100 percent of the receiving PHA's administrative fee rate. This change prevents a receiving PHA with a lower administrative fee from profiting from an initial PHA with a higher administrative fee. Under the proposed rule, a receiving PHA will be able to more fairly cover the costs of administering the voucher.

Mandatory Absorption of Portability Vouchers (§ 982.355(e))

In order to help ensure that a PHA utilizes available budget authority to the maximum extent possible, and to reduce the number of portability billing arrangements between agencies, the proposed rule would require a PHA that: (1) Is utilizing less than 95 percent of its available budget authority, and (2) has a leasing rate of less than 95 percent, to absorb incoming portability families until the percentage of available budget authority used or the leasing rate is at least 95 percent. The available budget authority includes the available Housing Assistance Payment (HAP) Net Restrict Assets, or NRA.

III. Specific Issues for Comment

While HUD solicits and welcomes comments on all aspects of this rule, HUD specifically seeks comment on the following:

1. Portability in the voucher program has been a subject of significant interest among PHAs, HUD, and others interested in effective administration of the voucher program and family mobility opportunities. HUD is aware of

the additional administrative burden that portability billing arrangements place on PHAs, and HUD is interested in finding ways to reduce or eliminate portability billing arrangements between agencies. In the past, some PHAs suggested that HUD immediately transfer funds from the initial PHA consolidated Annual Contributions Contract (ACC) to the receiving PHA consolidated ACC, in order to instantly eliminate portability billing. Others suggested a sharing of costs by the initial and receiving PHA whereby the initial PHA would pay to the receiving PHA no more than the family's subsidy at the initial PHA location.

HUD specifically invites comments that offer proposals to design the portability feature of the HCV program that would eliminate or minimize the administrative burdens associated with the portability feature for PHAs and families.

2. Under the current portability regulations, a family that chooses to move using portability must pass the screening criteria at the receiving PHA, although the family may have been a voucher recipient at the initial PHA for years. This is a problem for families when the receiving PHA has more stringent criteria than the initial PHA. For example, a family that includes an individual with a criminal background, and is acceptable under the initial PHA's admission policies (e.g., the incident occurred more than 5 years ago), may decide to move using portability and request a voucher from the receiving PHA. Under that scenario, while the family is searching for new housing, the receiving PHA might notify the family that it did not pass the PHA's criminal background screening criteria. At that point, the family had already notified its landlord of its intent to vacate, and its unit was rented to another family. As a result, in order to keep its assistance, the family would have to move back to the initial PHA's jurisdiction and locate a different available unit in the initial PHA's jurisdiction.

HUD is seeking comments on ways to prevent this type of hardship on families and possible ways to address this issue such as prohibiting screening by the receiving PHA at the time of portability or standardizing policies for portability moves.

3. The regulations at § 982.301 require that the PHA provide a briefing to families upon selection to participate in the HCV program. Currently, § 982.301(b)(3) requires that the briefing to families living in high-poverty census tracts include an explanation of the advantages of moving to an area that

does not have a high concentration of poor families. HUD is seeking comment on whether this information should be provided to all families selected to participate in the HCV program, and not just those families living in high-poverty census tracts.

Further, HUD seeks comments on whether the briefing should be revised to highlight the factors and trade-offs that a family should consider in terms of where they wish to lease a unit with voucher assistance.¹ These factors include but are not limited to: employment opportunities; safety, health and environmental amenities; public transportation; the quality of schools; access to social services; the quality of housing; and proximity to family and friends. HUD seeks comment on the content and emphases of the briefings.

4. The current regulations at 24 CFR 982.301(b)(11) require a PHA to provide families with a list of landlords or other parties known to the PHA who may be willing to lease a unit to the family or help the family find a unit. HUD is interested in learning if the list of landlords and other parties is helpful for families, or if HUD should remove this requirement in the revised rule. HUD is requesting comments regarding the focus of such information and whether additional information on areas of opportunity or neighborhoods would be more beneficial for families.

5. When a family requests to port and there is more than one PHA in the family's desired location, the current regulations at 24 CFR 982.355(b) require the initial PHA to select the receiving PHA. HUD is instead considering allowing the family to select the receiving PHA based on the PHA that best meets its needs. For example, some PHAs offer homeownership programs or Family Self Sufficiency (FSS) programs that a family may be interested in participating, or the family may want to select a PHA based on the scores of the schools in the PHA's jurisdiction. The initial PHA would be responsible for informing the family of the PHAs that serve the area and providing the contact information for those PHAs, but would

¹ See <http://www.nber.org/mtopublic/for> a comprehensive database on MTO research, which analyzes the effects of families' moving with vouchers. Other good references would be: Galvez, M.M. (2010). *What Do We Know About Housing Choice Voucher Program Location Outcomes: A Review of Recent Literature*. What Works Collaborative—Urban Institute, see <http://www.urban.org/url.cfm?ID=412218>. Phillip Tegeler, Mary Cunningham, and Margery Austin Turner, editors (2005). *Keeping the Promise: Preserving and Enhancing Housing Mobility in the Section 8 Housing Choice Voucher Program: Final Conference Report of the Third National Conference on Housing Mobility*.

not be responsible for determining what options or services each PHA offers.

6. In this proposed rule, HUD is proposing mandatory absorptions of portability vouchers when a PHA is utilizing less than 95 percent of its available budget authority and has a leasing rate of less than 95 percent. It is HUD's position that this approach would encourage PHAs to utilize their available budget authority while also reducing the number of portability billing arrangements. HUD is seeking comments as to whether 95 percent is an appropriate threshold for all PHAs or if HUD should consider an alternative scale based on the size of the PHA or other factors.

IV. Findings and Certifications

Regulatory Review—Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are "outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned." Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This rule was determined to be a "significant regulatory action" as defined in section 3(f) of Executive Order (although not an economically significant regulatory action, as provided under section 3(f)(1) of the Executive Order).

This proposed rule would amend HUD's regulations governing portability in the HCV program. The proposed regulatory changes would streamline the portability process and help enable initial and receiving PHAs to better serve families and expand housing opportunities. HUD's analysis indicates that these regulatory amendments will not have an economic effect of greater than \$100 million and thus do not require a regulatory impact analysis. The proposed rule, however, would yield certain non-tangible benefits. The findings of HUD's analysis are summarized below:

1. *Benefits of proposed rule.* The HCV portability policy helps ensure that families have the opportunity to relocate in order to pursue increased or new employment opportunities or to gain access to higher-performing schools for their children. An efficient portability process also helps ensure that victims of domestic violence and stalking have access to the resources necessary to relocate to a safe, stable home away from an abuser.

Opportunity moves have important benefits to housing choice voucher families. Research from HUD's moving to opportunity (MTO) demonstration and from the *Gautreaux* desegregation program in Chicago has shown that families with children moving from communities of high-poverty concentration to low-poverty communities tend to perform better in school (e.g., dropout rates are lower, grades are better, college attendance rates are higher). In addition, families report benefiting greatly from reduced crime and greater employment opportunities. It is expected that the proposed rule will remove potential barriers to mobility. Some research indicates that families often use their vouchers to move to better opportunities, including employment opportunities.

2. *Costs of proposed rule.* HUD does not expect that the portability billing arrangements proposed by this rule will place any additional administrative burden on PHAs.

Portability may add to the cost of the HCV program. The fiscal year (FY) 2012 appropriations for the Department provide a set-aside of \$103 million of HAP funds for additional renewal funding to be provided to PHAs under certain circumstances.

3. *Transfers.* While the fiscal impact of the proposed rule is marginal, it does have the potential to create substantial financial transfers among PHAs.

Mandatory absorptions. In this proposed rule, HUD is proposing mandatory absorptions of portability vouchers when a PHA is utilizing 95 percent or less of its available budget authority and has a leasing rate of less than 95 percent. It is HUD's position that this approach would help ensure that PHAs are utilizing their available budget authority to the maximum extent possible while also reducing the number of portability billing arrangements.

Administrative Fee. Under current regulation, when a voucher is in a portability billing arrangement between the initial PHA and receiving PHA, the initial PHA must pay the receiving PHA 80 percent of its administrative fee for each month that the family receives

assistance at the receiving PHA. Removal of potential barriers to mobility is expected to increase the number of portability vouchers and thus increase the amount of administrative fees transfers between PHAs.

The proposed rule would set the maximum amount that the initial PHA is required to pay at 100 percent of the receiving PHA's administrative fee rate. In other words, the initial PHA would reimburse the receiving PHA for the lesser of: (1) 80 percent of the initial PHA's ongoing fee, or (2) the full amount of the receiving PHA's administrative fee. This change would eliminate the incentive for a receiving PHA with a lower administrative fee from billing an initial PHA with a higher administrative fee in order to receive a higher administrative fee than it would normally earn from HUD. This action should reduce portability billings for those PHAs for whom 80 percent of the initial PHA's fee is more than 100 percent of their own administrative fee. For illustration, assume that a receiving PHA's administrative fee is \$60. Under current rules, if a family moves to the receiving PHA's jurisdiction from an initial PHA that receives \$100 in administrative fees for a housing voucher, the receiving PHA may bill the initial PHA for \$80, which is \$20 more than the PHA would earn if it simply absorbed the voucher. Under the proposed rule, the receiving PHA will receive \$60 regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program.

The full economic analysis is available for review at www.regulations.gov. The docket file for this rule is available for public inspection in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202-402-3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339.

Information Collection Requirements

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not

required to respond to, a collection of information, unless the collection

displays a currently valid OMB control number.

The burden of the information collections in this proposed rule is estimated as follows:

REPORTING AND RECORDKEEPING BURDEN

Section reference	Number of respondents	Number of responses per respondent	Estimated average time for requirement (in hours)	Estimated annual burden (in hours)
982.354(e)	100	1	1.00	100
982.355(d)	2,450	20	.25	12,250
Totals	2,550	21	1.25	12,350

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning this collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this rule. Comments must refer to the proposal by name and docket number (FR-5453) and be sent to:

HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Fax number: (202) 395-6947

and Reports Liaison Officer, Office of the Chief Information Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410-8000.

Interested persons may submit comments regarding the information collection requirements electronically through the Federal eRulemaking Portal at <http://www.regulations.gov>. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit comments, ensures their timely receipt by HUD, and

enables HUD to make them immediately available to the public. Comments submitted electronically through the <http://www.regulations.gov> Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. This proposed rule does not impose any federal mandates on any state, local, or tribal government, or the private sector within the meaning of UMRA.

Executive Order 13132, Federalism

Executive Order 13132 (entitled "Federalism") prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule will not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The proposed rule is solely concerned with the

portability feature of the voucher program. There are currently approximately 2,800 small PHAs (i.e., PHAs with less than 250 public housing units or vouchers), all of which will be subject to the proposed rule. Although the proposed rule will impact these PHAs, the impact will not be significant. As stated previously in this preamble, through the amendments to the HCV regulations provided in this rule, HUD proposes to reduce the administrative burden of portability for both PHAs and families, reduce portability billing arrangements between PHAs, and ensure maximum family choice in locating suitable housing. Through this rule, HUD strives to reduce administrative burden for all PHAs large or small. As explained more fully above in the "Executive Order 12866" section of this preamble, the benefits of the proposed regulatory changes will largely outweigh the administrative and compliance costs to PHAs. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Notwithstanding HUD's determination that this rule will not have a significant economic impact on a substantial number of small entities, HUD specifically invites comments regarding less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Environmental Impact

This proposed rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the

National Environmental Policy Act of 1969 (42 U.S.C. 4321).

List of Subjects in 24 CFR Part 982

Grant programs—housing and community development, Grant programs—Indians, Indians, Public housing, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, HUD proposes to amend 24 CFR part 982, as follows:

PART 982—SECTION 8 TENANT BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

1. The authority citation for 24 CFR part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

2. In § 982.4(b), revise the definition of “Suspension” to read as follows:

§ 982.4 Definitions.

Suspension. Stopping the clock on the term of a family’s voucher from the date that the family submits a request for PHA approval of the tenancy, until the date the PHA approves or denies the request.

3. Section 982.54 is amended as follows:

- a. Revise paragraphs (d)(2) and (d)(19);
b. Remove paragraph (d)(20); and
c. Redesignate paragraphs (d)(21) through (d)(23), as paragraphs (d)(20) through (d)(22), respectively, to read as follows:

§ 982.54 Administrative plan.

(d) Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions of the voucher term. If the PHA decides to allow extensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions, and how the PHA determines the length of any extension.

(19) Restrictions, if any, on the number of moves by a participant family (see § 982.354(c)); and

4. Revise § 982.303 (c), to read as follows:

§ 982.303 Term of voucher.

(c) Suspension of term. The PHA must provide for suspension of the initial or any extended term of the voucher from the date that the family submits a

request for PHA approval of the tenancy until the date the PHA approves or denies the request.

5. Section § 982.353 is amended as follows:

- a. Remove the word “or” from paragraph (c)(1) and in its place add the word “nor”;
b. Revise paragraphs (c)(3), (d)(2), and (f); and
c. Remove paragraph (d)(3), to read as follows:

§ 982.353 Where family can lease a unit with tenant-based assistance.

(3) If the initial PHA approves, the family may lease a unit outside the PHA jurisdiction under portability procedures.

(2) If a portable family is a participant in the initial PHA Section 8 tenant-based program, income eligibility is not redetermined when the family moves to the receiving PHA program under portability procedures.

(f) Freedom of choice. The PHA may not directly or indirectly reduce the family’s opportunity to select among available units, except as provided in paragraph (a) of this section, or elsewhere in this part 982 (e.g., prohibition on the use of ineligible housing, housing not meeting HQS, or housing for which the rent to owner exceeds a reasonable rent). However, the PHA must provide families the information required in § 982.301 for both the oral briefing and the information packet to ensure that they have the information they need to make an informed decision on their housing choice.

6. Redesignate § 982.314 as § 982.354, and amend newly designated § 982.354 as follows:

- a. Revise paragraphs (c)(1), (c)(2), and (e)(1);
b. Remove paragraphs (c)(3) and (d)(1); and
c. Redesignate paragraph (d)(2) as paragraph (d), to read as follows:

§ 982.354 Move with continued tenant-based assistance.

(c) How many moves. (1) A participant family may move with continued assistance under the program, either inside the PHA jurisdiction, or under the portability procedures (See § 982.353) in accordance with the PHA’s policies.

(2) Consistent with applicable civil rights laws and regulations, the PHA may establish policies that:

- (i) Prohibit any move by the family during the initial lease term; and
(ii) Prohibit more than one move by the family during any one-year period.

(e) When PHA may deny permission to move. (1) The PHA may deny permission to move if the PHA does not have sufficient funding for continued assistance. The PHA must provide written notification to the local HUD Office upon determining it is necessary to deny moves to a higher-cost unit based on insufficient funding.

7. Section 982.355 is revised as follows:

§ 982.355 Portability: Administration by initial and receiving PHA.

(a) When a family moves under portability (in accordance with § 982.353(b)) to an area outside the initial PHA jurisdiction, the receiving PHA must administer assistance for the family if a PHA with a tenant-based program has jurisdiction in the area where the unit is located.

(b) A receiving PHA cannot refuse to assist incoming portable families or direct them to another neighboring PHA for assistance. HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families.

(c) Portability procedures. The following portability procedures must be followed:

(1) When the family decides to use the voucher outside of the PHA jurisdiction, the family must notify the initial PHA of its desire to relocate and must specify the location where it wants to live.

(2) The family must notify the owner of its desire to move in accordance with its lease.

(3) The initial PHA must determine the family’s eligibility to move in accordance with §§ 982.353 and 982.354.

(4) The initial PHA must contact the receiving PHA via email or other confirmed delivery method prior to approving the family’s request to move in order to determine if the voucher will be absorbed or billed by the initial PHA. The receiving PHA must advise the initial PHA in writing via email or other confirmed delivery method of its decision.

(5) If the receiving PHA notifies the initial PHA that it will absorb the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA.

(6) If the receiving PHA will bill the initial PHA for the portability voucher and the cost of the HAP will increase due to the move, the initial PHA may deny the move in accordance with § 982.354 (e)(1).

(7) If a billing arrangement is approved by the initial PHA or if the voucher is to be absorbed by the receiving PHA, the initial PHA must issue the family a voucher and advise the family how to contact and request assistance from the receiving PHA.

(8) The initial PHA must promptly notify the receiving PHA to expect the family. The initial PHA must give the receiving PHA the Form HUD-52665, the most recent HUD

Form-50058 (Family Report) for the family, and all related verification information.

(9) The family must promptly contact the receiving PHA in order to be informed of the receiving PHA's procedures for incoming portable families and comply with these procedures. The family's failure to comply may result in denial or termination of the receiving PHA's voucher.

(10) The receiving PHA does not redetermine income eligibility for a participant family. However, for a portable family that was not already receiving assistance in the PHA tenant-based program, the initial PHA must determine whether the family is income-eligible for admission to the receiving PHA voucher program.

(11) When a receiving PHA assists a family under portability, administration of the voucher must be in accordance with the receiving PHA's policies. This requirement also applies to policies of Moving to Work agencies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the portable family, and the receiving PHA waiting list is not used.

(12) If the receiving PHA opts to conduct a new reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit.

(13) The receiving PHA must determine the family unit size for the portable family, and base its determination on the subsidy standards of the receiving PHA.

(14) The receiving PHA must issue a voucher to the family. The term of the receiving PHA voucher must be 30 days after the expiration date of the initial PHA voucher. If the voucher expired before the family arrives at the receiving PHA, the receiving PHA must contact the initial PHA to determine if it will extend the voucher.

(15) Once the receiving PHA issues the portable family a voucher, the receiving PHA's policies on extensions of the voucher term apply. The receiving PHA must notify the initial PHA of any extensions granted to the term of the voucher.

(16) The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA voucher. As required in § 982.303, if the family submits a request for tenancy approval during the term of the voucher, the PHA must suspend the term of that voucher.

(17) The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.

(18) At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance to the family in accordance with § 982.552 and 982.553.

(d) *Absorption by the receiving PHA.*

(1) If funding is available under the consolidated ACC for the receiving PHA voucher program on the effective date of the HAP contract, the receiving PHA may absorb the family into the receiving PHA voucher program. After absorption, the family is assisted with funds available under the consolidated ACC for the receiving PHA tenant-based program.

(2) HUD may require that the receiving PHA absorb all or a portion of the portable families.

(3) HUD may provide financial or nonfinancial (or both) incentives to PHAs that absorb portability vouchers.

(4) PHAs that are utilizing less than 95 percent of their available budget authority and have a leasing rate of less than 95 percent are required to absorb incoming portable families until the percentage of available budget authority used or the leasing rate is at least 95 percent. The available budget authority includes the available HAP Net Restrict Assets, or NRA.

(e) *Portability billing.* (1) To cover assistance for a portable family that was not absorbed in accordance with paragraph (d) of this section, the receiving PHA may bill the initial PHA for housing assistance payments and administrative fees.

(2) The initial PHA must promptly reimburse the receiving PHA for the full amount of the housing assistance payments made by the receiving PHA for the portable family. The amount of the housing assistance payment for a portable family in the receiving PHA program is determined in the same

manner as for other families in the receiving PHA program.

(3) The initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA ongoing administrative fee or the full amount of the receiving PHA's administrative fee for each unit month that the family receives assistance under the tenant-based program from the receiving PHA. The receiving PHA cannot bill the initial PHA for more than 100 percent of its own administrative fee. If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

(4) When a portable family moves out of the tenant-based program of a receiving PHA that has not absorbed the family, the PHA in the new jurisdiction to which the family moves becomes the receiving PHA, and the first receiving PHA is no longer required to provide assistance for the family.

(5) HUD may reduce the administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements.

(6) In administration of portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required billing forms. The initial and receiving PHA must also comply with billing and payment deadlines under the financial procedures.

(7) A PHA must manage the PHA tenant-based program in a manner that ensures that the PHA has the financial ability to provide assistance for families that move out of the PHA program under the portability procedures that have not been absorbed by the receiving PHA, as well as for families that remain in the PHA program.

(f) *Portability funding.* (1) HUD may transfer units and funds for assistance to portable families to the receiving PHA from funds available under the initial PHA ACC.

(2) HUD may provide additional funding (e.g., funds for incremental units) to the initial PHA for funds transferred to a receiving PHA for portability purposes.

(3) HUD may provide additional funding (e.g., funds for incremental units) to the receiving PHA for absorption of portable families.

(4) HUD may require the receiving PHA to absorb portable families.

(g) *Portability and Project-Based Assistance.* (1) Provisions on portability do not apply to the Project-Based Voucher program.

(2) A family that is porting into a receiving PHA's jurisdiction may only receive a tenant-based voucher or

homeownership assistance. In order for a tenant-based voucher holder to be housed in a PBV unit, the family would have to apply to the receiving PHA's PBV program and give up its tenant-based voucher prior to being housed in the PBV unit.

(h) *Portability and special purpose vouchers.* (1) The initial PHA must submit the codes used for special purpose vouchers on the Form HUD-50058, Family Report, and the receiving PHA must maintain the codes on the Family Report, as long as they choose to bill the initial PHA.

(2) In cases where HUD has established alternative program requirements for special purpose vouchers, such as the HUD-Veterans Affairs Supportive Housing (VASH) vouchers, both the initial and receiving PHAs must administer the vouchers in accordance with HUD established policy (i.e., the most recent HUD-VASH program operating requirements).

Dated: March 2, 2012.

Sandra B. Henriquez,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 2012-7341 Filed 3-27-12; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[SATS No. TX-064-FOR; Docket ID: OSM-2012-0005]

Texas Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Texas proposes revisions to its regulations regarding annual permit fees. Texas intends to revise its program to improve operational efficiency.

This document gives the times and locations that the Texas program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we

will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., c.d.t., April 27, 2012. If requested, we will hold a public hearing on the amendment on April 23, 2012. We will accept requests to speak at a hearing until 4 p.m., c.d.t. on April 12, 2012.

ADDRESSES: You may submit comments, identified by SATS No. TX-064-FOR, by any of the following methods:

- *Mail/Hand Delivery:* Alfred L. Clayborne, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629.

- *Fax:* (918) 581-6419

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Texas program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office or going to www.regulations.gov.

Alfred L. Clayborne, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629, Telephone: (918) 581-6430.

In addition, you may review a copy of the amendment during regular business hours at the following location:

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, Capitol Station, P.O. Box 12967, Austin, Texas 78711-2967, Telephone: (512) 463-6900.

FOR FURTHER INFORMATION CONTACT:

Alfred L. Clayborne, Director, Tulsa Field Office. Telephone: (918) 581-6430. Email: aclayborne@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Texas Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

I. Background on the Texas Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program in the February 27, 1980, **Federal Register** (45 FR 12998). You can also find later actions concerning the Texas program and program amendments at 30 CFR 943.10, 943.15, and 943.16.

II. Description of the Proposed Amendment

By letter dated February 9, 2012 (Administrative Record No. TX-700), Texas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Texas. The full text of the program amendment is available for you to read at the locations listed above under

ADDRESSES.

Texas proposes to revise its regulation at 16 Texas Administrative Code (TAC) section 12.108(b) regarding annual permit fees by:

(1) Increasing the amount of the fee for each acre of land within the permit area on which coal or lignite was actually removed during the calendar year,

(2) Increasing the amount of the fee for each acre of land within a permit area covered by a reclamation bond on December 31st of the year, and

(3) Increasing the amount of the fee for each permit in effect on December 31st of the year.

Texas fully funds its share of costs to regulate the coal mining industry with fees paid by the coal industry. Texas charges four fees to meet these costs, a permit application fee and three annual fees as mentioned above. The proposed fee revisions are intended to provide adequate funding to pay the State's cost of operating its regulatory program, and provide incentives for industry to

accomplish reclamation and achieve bond release as quickly as possible.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

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.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., c.d.t. on April 12, 2012. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified

date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 21, 2012.

Ervin J. Barchenger,

Regional Director, Mid-Continent Region.

[FR Doc. 2012-7470 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2012-0163]

RIN 1625-AA00

Safety Zone; Bay Swim V, Presque Isle Bay, Erie, PA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone on the waters of Presque Isle Bay, Erie, PA. This proposed safety zone is intended to restrict vessels from a portion of the Presque Isle Bay during the Bay Swim V swimming event. The safety zone established by this proposed safety zone is necessary to protect participants, spectators, and vessels from the hazards associated with a large scale swimming event.

DATES: Comments and related materials must be received by the Coast Guard on or before April 27, 2012.

ADDRESSES: You may submit comments identified by docket number USCG-2012-0163 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email LT Christopher Mercurio, Chief of Waterway Management, U.S. Coast Guard Sector Buffalo; telephone 716-843-9343, email SectorBuffaloMarineSafety@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:**Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2012–0163), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via www.regulations.gov, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the “submit a comment” box, which will then become highlighted in blue. In the “Document Type” drop down menu select “Proposed Rule” and insert “USCG–2012–0163” in the “Keyword” box. Click “Search” then click on the balloon shape in the “Actions” column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the

“read comments” box, which will then become highlighted in blue. In the “Keyword” box insert “USCG–2012–0163” and click “Search.” Click the “Open Docket Folder” in the “Actions” column. 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of 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 a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Between 9 a.m. and 11 a.m. on June 30, 2012, a large scale swimming event will take place on Presque Isle Bay near Erie, PA. The Captain of the Port Buffalo has determined that this large scale swimming event across a navigable waterway will pose significant risks to participants and the boating public.

Discussion of Proposed Rule

With the aforementioned risks in mind, the Captain of the Port Buffalo has determined that this proposed temporary safety zone is necessary to ensure the safety of participants and the boating public during the Bay Swim V event.

The proposed safety zone will be effective and enforced from 8:30 a.m. until 11:30 a.m. on June 30, 2012.

The proposed safety zone will encompass all waters of Presque Isle Bay, Erie, PA starting from Vista 3 in Presque Isle State Park at position 42°07′29.30″ N, 80°08′48.82″ W and extend in a straight line 1,000 feet wide to the Erie Yacht Club at position

42°07′21.74″ N, 80°07′58.30″ W (DATUM: NAD 83).

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port Buffalo or the designated on scene patrol personnel. Entry into, transiting, or anchoring within the proposed safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port Buffalo or his designated on-scene representative may be contacted via VHF Channel 16.

Regulatory Analyses

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

Regulatory Planning and Review

Executive Orders 12866, Regulatory Planning and Review, and 13563, Improving Regulation and Regulatory Review, direct agencies to assess the 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this proposed rule will be relatively small and enforced for relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone

when permitted by the Captain of the Port Buffalo.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule may affect the following entities, some of which might be small entities: The owners of operators of vessels intending to transit or anchor in a portion of Presque Isle Bay near Erie, PA between 8:30 a.m. to 11:30 p.m. on June 30, 2012.

This safety zone will not have a significant economic impact on a substantial number of small entities because this proposed rule would be in effect for only approximately three hours. Also, in the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Buffalo to transit through the safety zone. Additionally, the Coast Guard will give advanced notice to the public via a local Broadcast Notice to Mariners that the regulation is in effect. Moreover, the Captain of the Port Buffalo will suspend enforcement of the safety zone if the event for which the zone is established ends earlier than the expected time.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If this proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact

LT Christopher Mercurio, Chief of Waterway Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email SectorBuffaloMarineSafety@uscg.mil. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This proposed rule would not affect 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and would not create an environmental risk to

health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination

that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule is categorically excluded, under figure 2-1, paragraph (34) (g), of the Instruction because it involves the establishment of a safety zone.

A preliminary environmental analysis checklist and categorical exclusion determination are 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 proposed 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 proposes to amend 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. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.T09-0163 to read as follows:

§ 165.T09-0163 Safety Zone; Bay Swim V, Presque Isle Bay, Erie, PA.

(a) *Location.* The safety zone will encompass all waters of Presque Isle Bay, Erie, PA starting from Vista 3 in Presque Isle State Park at position 42°07'29.30" N, 80°08'48.82" W and extend in a straight line 1,000 feet wide to the Erie Yacht Club at position 42°07'21.74" N, 80°07'58.30" W. (NAD 83)

(b) *Effective and Enforcement Period.* This regulation is effective and will be enforced from 8:30 a.m. to 11:30 a.m. on June 30, 2012.

(c) Regulations.

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

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

(3) The "on-scene representative" of the Captain of the Port Buffalo is any

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

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: March 6, 2012.

S.M. Wischmann,

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

[FR Doc. 2012-7395 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-04-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 203

[Docket No. 2012-1]

Copyright Office Fees

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office is proposing the adoption of new fees for the registration of claims, recordation of documents, special services, Licensing Division services, and processing of FOIA requests. The proposed fees would recover a significant part of the costs to the Office for services that benefit both copyright owners and the public, and provide full cost recovery for many services which benefit only or primarily the user of that service. As part of the fee setting process, the Office is providing an opportunity to the public to comment on the proposed changes before submitting the fee schedule to Congress for review.

DATES: Comments must be received in the Office of the General Counsel of the Copyright Office no later than May 14, 2012.

ADDRESSES: The Copyright Office strongly prefers that comments be submitted electronically. A comment page containing a comment form is

posted on the Copyright Office Web site at <http://www.copyright.gov/docs/newfees/comments/>. The Web site interface requires submitters to complete a form specifying name and organization, as applicable, and to upload comments as an attachment via a browse button. To meet accessibility standards, all comments must be uploaded 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 the organization. All comments will be posted publicly on the Copyright Office 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) 707-8380 for special instructions.

FOR FURTHER INFORMATION CONTACT:

Megan Rivet, Budget Analyst, or Tanya Sandros, Deputy General Counsel, at (202) 707-8380.

SUPPLEMENTARY INFORMATION: The Copyright Act (the "Copyright Act" or "Act") provides that the Register of Copyrights may, by regulation, adjust fees for certain, enumerated services based upon a study of costs incurred by the Copyright Office. The study must consider the timing of any adjustment as well as the authority to use such fees consistent with the budget. The Register's proposed changes are subject to review by Congress. However, the Register may implement the changes at the end of 120 days after submitting them to Congress in conjunction with an economic analysis unless, within that 120 day period, Congress enacts a law stating in substance that Congress does not approve the schedule. The Act further authorizes the Register to establish fees for services that are not enumerated in the statute, including, for example, the cost of preparing copies of Copyright Office records, based on the cost of providing the service. The Register is not required to submit these additional fees to Congress. See 17 U.S.C. 708(a)-(b).

Congress amended the Copyright Act in 1997 to allow the Register to set fees for Copyright Office services. Since this time, the Office has undertaken a fee study approximately every three years; the last one was undertaken in 2008 and implemented in 2009. See 74 FR 32805 (July 9, 2009). A new fee study was initiated on October 1, 2011 at the

direction of the newly appointed Register of Copyrights. The study was identified in the Register's public report, "Priorities and Special Projects for the United States Copyright Office" as a key project for fiscal year 2012. See <http://www.copyright.gov/docs/priorities.pdf>. In executing the study, the Office is acutely aware of its fiscal responsibilities as an agency of the federal government, including the responsibility to set sound monetary policies and develop a budget derived primarily from fees for services. However, the Office is also deeply cognizant of its responsibility to authors and other copyright owners, and to users of copyrighted works, to price services in a manner that encourages participation in the Nation's registration and recordation systems and ensures a robust database of copyright information for purposes of commerce and the public good. Indeed, the Copyright Act requires that fees "shall be fair and equitable and give due consideration to the objectives of the copyright system." 17 U.S.C. 708(b)(4).

The Register may not adjust fees more than that necessary to cover the reasonable costs incurred by the Copyright Office for its services plus a reasonable inflation adjustment to account for any estimated increase in costs. In fact, the Office's fees have not historically recovered full costs for all services. When fees were adjusted in 2009, the Office was recovering approximately 61.4% of its costs for services. In fiscal year 2011, fee receipts covered only 59.5% of the Office's costs, a recovery rate that is insufficient by any standard.

In the study at hand, the Office has calculated its true costs using a traditional methodology. The cost study uses an activity based costing methodology to calculate full costs of each Copyright Office service. The study includes a review of both direct and indirect costs associated with fee services in fiscal 2011. Most copyright activities are labor intensive and staff costs are tracked for each of the various fee services. The study requires directly assigning non-personnel costs that are associated with just one fee service. Once direct costs were applied, administrative and indirect costs related to fee services were allocated proportionately. The Office also considered statutory fee setting requirements, economic factors, and the objectives of the copyright system in arriving at the proposed fees.

The Office also sought comments from the public in a Notice of Inquiry published on January 24, 2012 on two specific issues: (1) Whether special

consideration should be provided to individual author-claimants registering a single work, and (2) the identification of any special services and corresponding fees the Office should expand, improve or add to its offerings at this time, including, for example, additional expedited services and fee options. 77 FR 3506 (January 24, 2012). The proposed fee schedule published today reflects the public's comments on these issues.

The Office also acknowledges that commenters offered many additional interesting proposals that we appreciate but will not address today in the context of this fee study. Many of these proposals are not ready for action because the Office is considering them in the context of other major projects that are technical or legal in nature. Such proposals include, for example, the question of whether photographers may pay a flat fee for registration of photographs in the context of a business to business submission model; the question of whether copyright registration certificates and/or recorded documents can be made available online for free; and the question of whether the Office should accept deposits of works in electronic formats that may be insufficient for the Library's "best edition" requirement. The Office greatly appreciates these issues and suggestions and it will continue to consider them outside of this fee study.

The purpose of this Notice of Proposed Rulemaking is to offer the public an opportunity to comment on the Register's proposed fee adjustments, all of which would be implemented early in fiscal year 2013.

I. Registration, Recordation, and Related Service Fees

1. *Basic registration.* The Office will soon eliminate Form CO and will offer two options for filing basic registrations beginning this summer: online filings and the traditional paper application. See 76 FR 60774 (September 30, 2011). The Office receives approximately 87% of new copyright claims electronically through its online filing system. Such filings are far less costly to process. Nevertheless, the Office understands that some claimants have good reasons for preferring paper forms, despite the higher cost to the claimant, and the Office will continue to offer this option. However, the Office will continue to charge a higher fee for filing a claim using a paper application to encourage the use of the online filing option. Online filing is the option that is most efficient to the Office as well as the claimant. On average, a claimant who files an application online will receive

a registration (or a denial of a registration) within 3 months, while a claimant filing with paper forms will wait about 10 months.

The Office is also proposing to offer a reduced fee to a single author who is also the claimant for the online filing of a claim in a single work that is not a work made for hire, for the policy reasons discussed below and after considering the comments received from the public in response to the January 24, 2012 Notice of Inquiry. The Copyright Office is committed to maintaining an affordable copyright registration system. No author or copyright owner should be deterred from registering a copyright because the cost of registration is too high, and the Office is mindful that there is not endless elasticity in pricing; pricing is a factor in whether one chooses to register. Many of the works that come from independent creators are critical to the Nation's economy and the Library of Congress' mint record and collection of American creativity. The copyright law itself is designed to promote and protect authorship and this includes facilitating registration for the establishment of a public record of copyright claims and to enable the copyright owner to seek all the remedies available in the Copyright Act. Similarly, users of copyrighted works rely on the Copyright Office registration records to identify copyright owners when they require licenses. If individual authors do not register and are therefore not part of the public database, they more than any other group of copyright owners may be difficult to find.

Commenters to the Notice of Inquiry support a separate and lower fee for single authors. They note, as did the Office, that such applications are easier to process; that registration provides important remedies for the author; and that registration benefits the public by creating a more robust public record.

The Office therefore sees a clear benefit to offering a lower fee to these claimants as an incentive to register their works. The details for filing such a claim will be fully set forth in a separate notice of proposed rulemaking later this year.

In setting the fees for basic registration, the Office closely examined its costs and recent success in recovering them. In fiscal year 2011, the Office recovered only 64% of its cost to process an online claim and only 58% of its cost to process paper applications. In light of these figures, the Office proposes increasing fees for both options for filing claims in order to recover a larger percentage of the Office's cost, but at levels that will still

encourage copyright owners to register their works. As mentioned above, elasticity is an important consideration in setting fees. Copyright registration is a voluntary system, not required by law, and pricing that is unaffordable or which exceeds the reasonable expectation of a copyright owner will discourage or prevent participation in the system—to the public's detriment.

At this time, the Office proposes raising the fee for an online claim from \$35 to \$65 and the fee for filing a claim using a paper application from \$65 to \$100, but adopting a new fee of \$45 for single authors filing an online claim for a single work that is not a work made for hire. As specified in the chart at the end of this document, the Office is also proposing to raise the registration fees for group registrations, mask works, and vessel hulls based upon the principles discussed above in order to recover a greater percentage of the basic costs for processing these claims.

2. Renewals. The Office is proposing a reduction in the fee for filing a renewal claim from \$115 to \$100. Renewal registration was required in the 28th year for works published or registered prior to 1978. The law no longer requires registration for the renewal term to vest. Renewal registration primarily serves those parties who need a certificate of registration for various commercial purposes. The cost study reveals that the actual cost of processing these claims is quite high. To set a fee to recover full cost would be prohibitive and negate the goals of the Office in encouraging registration of these older claims, many of which may still be commercially viable, and incorporating these claims into the public record. Similarly, the Office is proposing to reduce the fee for filing a Renewal Addendum, the necessary filing for renewal when basic registration for the work was not made during the original term, from \$220 to \$100 to avoid deterring these registrations.

3. Recordation. As outlined in the Register's Priorities and Special Projects document, the Office will reengineer the business processes for its recordation services, which allow copyright owners and other people to publicly record in the Copyright Office certain documents related to copyright interests, including, for example, assignments, licenses, mortgages and wills. There are some legal benefits to recording these documents but it is not required by law. The Office has begun discussions with stakeholders on topics including searchability and the feasibility of connecting to privately held records and databases, among others, and a plan will

be finalized in the next 18 months. However, as of this writing, the Office is accepting paper submissions and, through a limited pilot, filings submitted on flashsticks. In either case, the basic cost of accepting, reviewing, indexing and recording a document, especially documents that are hundreds of pages long and have multiple titles, has not been recovered in recent years. For this reason, the Office is proposing an increase in the basic recordation fee from \$105 to \$120 and a slight increase in the fee for processing documents with multiple titles from \$30 to \$35 to approach full cost recovery.

4. Other related services. Other services including, for example, a receipt for a deposit under section 407 of the Act and certification of Copyright Office records, primarily benefit only the user of that service. In these instances, no overriding principles of public policy dictate the recovery of less than the direct cost of providing the service. This approach is supported by the Office of Management and Budget's guidance to Federal agencies on approaches to establishing fees for services, which states: "It is the objective of the United States government to * * * promote efficient allocation of the Nation's resources by establishing charges for special benefits provided to the recipient that are at least as great as costs to the Government of providing the special benefits." See OMB Circular No. A-25 Revised at http://www.whitehouse.gov/omb/circulars_a025. The Office is therefore proposing to increase its fees for optional services and for services that are for personal or commercial purposes to recover fully its direct costs in most instances. One major exception is the fee for reference search reports, for which the Office proposes to increase fees but to recover only partial costs.

Historically, the fees for a reference search report have recovered only a small portion of the costs of the service. The Office concludes that it cannot set a fee at full cost recovery as a practical matter because the cost would be too high and it would be far out of the range of fees charged by private-sector providers of this service. A very high fee would prejudice requestors who, for legal reasons, need their searches prepared and certified by the Copyright Office. Therefore, the Office has adjusted its fees for reference search reports upward to recover more but not all of its direct costs for the service. The proposed fee is a \$400 minimum with an additional fee of \$200 for every hour after the first two hours.

II. Service Fees

The Copyright Office provides a number of services not enumerated in the Copyright Act and, as stated above, the Register has statutory authority to establish fees for such services. These include fees for expedited service ("special handling"), secure test processing, requests to reconsider rejections of claims, and fees for reproducing Copyright Office records, among others. The proposed fees reflect the costs of providing these services, Office-wide cost recovery, and policy considerations. Many cost adjustments reflect inflationary increases for the service. In other cases, the fees have not been adjusted, e.g., basic photocopying costs; or costs have decreased and the fees have been lowered, e.g., copying to CDs or DVDs. While this notice will not discuss proposed adjustments to fees that are set to recover costs or account for inflation, the Office believes further clarification is useful to understand the change in the fee schedule for the following services:

1. Expedited handling. The Office offers expedited services for processing claims; recording documents; searching, retrieving and copying Copyright Office records; and certifying registrations and other documents in an advanced timeframe. The proposed fees for these services will increase slightly to capture increased costs due to inflation. These fees continue to reflect the cost of the service, plus a premium payment that reflects the value of the expedited service to the customer and the disruption to the Office's regular statutory services.

In reviewing the fees for expedited services, the Office considered comments it received in response to the January 24, 2012 Notice of Inquiry as to whether the Office should offer additional services for expedited handling of claims that do not fit into the current categories for "Special Handling." Historically Special Handling has been limited to cases where a compelling need for the service exists due to pending or prospective litigation, customs matters, or contracts or publishing deadlines that necessitate the expedited issuance of a certificate of registration. One suggestion was to drop the "compelling need" requirement for special handling and to offer a tiered fee schedule for special handling based on the turnaround time for processing the claim. The Office believes the concept of expedited services warrants further analysis and it will publish a separate public notice to address the issues fully. A decision on this issue, however, will not affect the fee for the service in the

near future. The Office also considered the suggestion to adopt a tiered system for handling expedited claims, an option it will continue to consider but will not implement at this point in time, in part due to limited resources.

2. *Secure test processing.* The Office offers a special service for inspecting deposits of secure tests. The Office provides a private review of the full deposit of a secure test and compares it with the accompanying identifying material that does not disclose secret materials. The review process may include one or more staff depending on the number of claims being processed at any one time. For this reason, the proposed fee for this labor intensive service reflects an upward adjustment based on the processing cost to the Office and the number of staff doing the review; as such, the Office proposes a \$250 fee per staff member per hour.

3. *Requests for reconsideration of rejections of claims.* A claimant whose work is rejected for registration may request reconsideration of its claim through a two-tiered administrative process. A staff attorney in the Registration Program who is not involved in the initial review of the claim handles the first request for reconsideration. If the work is not registered at this stage, the claimant may make a second request for reconsideration. Second requests are considered by the Review Board consisting of the Register of Copyrights, the General Counsel, and the Associate Register for the Registration Program or their qualified delegates. The fees for the first and second reconsideration of a single claim are not scheduled for change, in part because the Office recognizes that an increase in fees may prohibit a claimant from pursuing subsequent review. However, the Office is eliminating its practice of allowing the joinder of multiple related claims into a single request for reconsideration because there is no reduced cost in processing such claims, each of which must be analyzed separately. Instead, the fee for a request for reconsideration will cover only the works in a single original claim for registration.

III. Licensing Fees

The Licensing Division of the Copyright Office is responsible for administering various aspects of the statutory licenses set forth in sections 111–122 of the Copyright Act, including the processing of the statements of account filed along with royalties for use of the cable and satellite statutory licenses in accordance with sections 111 and 119, respectively. The Licensing Division also receives quarterly

statements of account and royalties from companies that import and distribute or manufacture and distribute digital audio recording devices and media pursuant to Chapter 10 of the Act. In addition, this division accepts for recordation certain contracts and licensing agreements, notices of intent to use the statutory licenses in sections 112 and 114, and notices of intent to use musical works pursuant to the section 115 compulsory license, and it provides search and copying services to the public. Proposed fees are based either on a separate cost study related to the budget and expenditures of the Licensing Division or, in the case where the Licensing Division offers services that parallel other services in the Copyright Office, fees are based on the cost study covering the Copyright Office services. Fees which are being established for the first time are more fully explained below:

1. *Filing fee for Cable and Satellite Statements of Account.* In 2010, Congress enacted the Satellite Television Extension and Localism Act (“STELA”) which, for the first time, granted authority to the Office to set fees for filing cable and satellite statements of account. Prior to 2010, the cost of processing the statements was covered completely by the royalty fees collected under the statutory licenses for the benefit of the copyright owners. STELA allows the Office to apportion the cost of processing the statements of account equally between the copyright owners and the statutory licensees. According to section 708(a), fees “shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.”

In conducting its cost study, the Office took into account the reengineering efforts of the Licensing Division (the purpose of which is to develop an online filing system) and the equities associated with apportioning costs fairly among the licensees. Consequently, the Office is proposing a three-tiered fee schedule that corresponds to the filing of the different types of cable statements of account. The fee for licensees who file a SA1 form and currently pay only \$52 each accounting period is set at \$15, the low end of the scale; whereas the fee for cable systems filing the SA2 form is set slightly higher at \$20 because of the review of the basic calculation of the royalty fee for this group. Licensees who file the more complicated cable statements of account, the SA3 form,

necessarily are expected to pay a correspondingly higher fee because of the time associated with reviewing the information on the forms, especially the classification of community groups and television stations. Thus, the proposed fee for filing the SA3 form is set at \$500. Overall, these fees represent approximately one-half the cost on average of processing the current filings. The Office also recognizes that the proposed fees account for certain reengineering costs that may decline over time. Consequently, the Office anticipates initiating another targeted cost study after it has gained experience with the new electronic filing system.

The new fee schedule also includes a \$75 filing fee for a satellite statement of account. In this case, there is a single statement of account applicable to all satellite carriers and a single fee for filing that statement. The filing fee of \$75 is set at this level because the forms require some examination beyond that afforded to the SA1 and SA2 forms filed by cable operators, but they do not require the particularized examination that is afforded to the complex Form SA3 cable statement of account. As with the filing fees for the cable statements of account, the filing fee for the satellite statement of account represents no more than half the cost of processing this form.

2. *Fee for filing Notices of Intention to Make and Distribute Phonorecords electronically.* The Office accepts Notices of Intention to Obtain a Compulsory License for use of the statutory license to make and distribute phonorecords when the notice cannot be served on the copyright owner or when the Copyright Office records do not include the name and address of the copyright owner. Historically, this statutory license was used to obtain the rights to use a particular musical work to make a cover record, and the Office received very few such notices.

The advent of the digital age, however, changed the law and how businesses utilize the section 115 license. Today, the license is viewed as an acceptable way to license the reproduction and electronic distribution of the musical work embedded in a digital phonorecord. Consequently, the use of the license has expanded exponentially and the Office has responded by investing in the development of an online filing system. The Office is optimistic that the first iteration of the online filing system will be operational at the time the proposed fees become final. In anticipation of that day, the Office has undertaken a cost study to determine a basic filing fee and the costs for additional titles for an

electronic notice which, based on recent experience and the comments to the Office's earlier Notice of Inquiry regarding additional services and fees, can include tens of thousands of titles. Based on this cost study, the Office is proposing to set the fee at \$75 for each Notice with a single title. Notices with additional titles will incur an additional \$20 fee per ten titles for a paper submission and an additional \$10 fee per hundred titles for an online submission (which works out to \$0.10 per additional title). In light of the low proposed fee for additional titles for filing a Notice online, the Office does not see a need to consider a cap on the total fees for any one Notice filed in this manner as suggested in a comment to the Office's January 24, 2012 Notice of Inquiry. As with the filing fees for the cable and satellite statements of account, the Office will reevaluate the fees for electronic filings in the future after gaining experience with the systems and the related costs.

IV. FOIA Fees

The Copyright Office last adjusted its fees for services associated with the Freedom of Information Act in 1999. See 64 FR 29518 (June 1, 1999). Fees are set in accordance with the guidelines

established by the Office of Management and Budget in accordance with the OMB Uniform Freedom of Information Act Fee Schedule and Guidelines. 52 FR 10,012 (March 27, 1987). Currently, the Office has an hourly search fee of \$65 for entities other than educational institutions, non-commercial scientific institutions, and representatives of the news media which mirrored the fee for searching Copyright Office records in 1999 when the fee was revised. Today's proposed increase in the FOIA fee schedule brings this and other FOIA fees up to date.

The OMB guidelines allow agencies to recoup the full allowable direct costs they incur and provide that separate rates may be established for searching the records and reviewing responsive records to determine, e.g., the applicability of an exemption. In both cases, where a single class of reviewers is typically involved in providing the service, agencies may establish a reasonable agency-wide average fee. Accordingly, the Office proposes adoption of a two-tiered fee structure for searches to reflect the direct costs of the service depending upon the level of the personnel conducting the search. The proposed fee for a search based on a FOIA request is set at \$15 for the first

half hour and \$7.50 for each additional 15 minutes if conducted by administrative staff, and \$35 for the first half hour and \$17.50 for each additional 15 minutes if conducted by professional staff. Similarly, the Office is proposing to adopt new fees for reviewing the documents at the same rates as those proposed for a FOIA search. However, the fees for reviewing the documents will be based on 15 minute units and without a minimum fee. In addition, the Office is proposing to remove the separate fee for a copy of a certificate of copyright registration and the separate fee for certification services, currently listed in §§ 203.6(b)(1) and (4), respectively. The OMB guidelines state that such services are not covered by FOIA or its fee structure and that an agency should recover the full costs of such services. Therefore, the Office proposes that the FOIA fees for these services should be the same as the Copyright Office fees for these same services listed in the proposed schedule.

V. Schedule of Proposed Fees

The chart below sets forth the current and proposed fees for services related to Registration, Recordation; Special Services; the Licensing Division; and FOIA requests.

SCHEDULE OF PROPOSED FEES

	Current fee	Proposed new fee
Registration, Recordation and Related Services		
(1) Registration of a basic claim in an original work of authorship:		
Single author, same claimant, one work, not a work made for hire, filed electronically	\$35	\$45
All other claims filed electronically	35	65
Forms PA, SR, TX, VA, SE (paper filing)	65	100
(2) Registration of a claim in a group of contributions to periodicals (Form GR/CP), published photographs, or database updates (paper filing)	65	100
(3) Registration of a renewal claim (Form RE):		
(i) Claim without Addendum	115	100
(ii) Addendum (in addition to the fee for the Claim)	220	100
(4) Registration of a claim in a group of serials (Form SE/Group) [per issue, minimum 2 issues]	25	35
(5) Registration of a claim in a group of daily newspapers or qualified newsletters (Form G/DN)	80	150
(6) Registration of a claim in a restored copyright (Form GATT)	65	100
(7) Preregistration of certain unpublished works	115	140
(8) Registration of a correction or amplification to a claim (Form CA)	100	130
(9) Registration of a claim in a mask work (Form MW)	105	120
(10) Registration of a claim in a vessel hull (Form D/VH)	220	400
(11) Providing an additional certificate of registration	35	40
(12) Certification of other Copyright Office records (per hour)	165	200
(13) Search report prepared from official records (for up to 2 hours)	330	400
(i) Additional hours of searching (per hour)	165	200
(ii) Estimate of search fee	115	200
(14) Retrieval of in-process or completed Copyright Office records or other Copyright Office materials:		
(i) Retrieval of paper records (per hour, 1 hour minimum)	165	200
(ii) Retrieval of digital records (per hour, 1/2 hour minimum/quarter hour increments)	165	200
(15) Recordation of document, including a Notice of Intention to Enforce (NIE) (single title)	105	120
Additional titles (per group of 1 to 10 titles)	30	35
(16) Recordation of an Interim Designation of Agent to Receive Notification of Claimed Infringement under § 512(c)(2) (OSP)	105	105
Additional names (per group of 1 to 10 titles)	30	35
(17) Issuance of a receipt for a § 407 deposit	30	30

SCHEDULE OF PROPOSED FEES—Continued

	Current fee	Proposed new fee
Special Services		
(1) Service charge for deposit account overdraft	165	250
(2) Service charge for dishonored deposit account replenishment check	85	100
(3) Service charge for an uncollectible or non-negotiable payment	25	30
(4) Requests for Reconsideration of Refusals to Register Claims:		
(i) First Request (per claim)	250	250
(ii) Second Request (per claim)	500	500
(5) Secure test processing charge (per staff member per hour)	165	250
(6) Copying of Copyright Office records by staff:		variable
Photocopy (b&w, 8½ x 11) (per page, minimum: \$12)	0.50	0.50
Photocopy (b&w, 11 x 17) (per page, minimum: \$12)	1	1
Photocopy (color, 8½ x 11) (per page, minimum: \$12)	2	2
Photocopy (color, 11 x 17) (per page, minimum: \$12)	4	4
Audiocassette (first 30 minutes)	75	75
Additional 15 minute increments	20	20
Videocassette (first 30 minutes)	75	75
Additional 15 minute increments	20	20
CD or DVD	100	30
Flash Drive	N/A	30
Other formats not available in the Copyright Office, dependent upon availability of equipment and media, at cost from provider	variable	at cost
(7) Special handling fee for a claim	760	800
For multiple claims with one deposit where special handling is requested only for a single claim, handling fee in addition to the basic registration fee for each claim using the same deposit	50	50
(8) Special handling fee for recordation of a document	480	550
(9) Handling fee of extra deposit copy for certification	45	50
(10) Full-term retention of a published deposit	470	540
(11) Expedited search report (for up to 2 hours)	890	1,000
Additional hours of searching (per hour)	445	500
(12) Expedited retrieval, certification and copying services (surcharge, per hour)	265	305
(13) Notice to Libraries and Archives	50	50
Each additional title	20	20
(14) Service charge for Federal Express mailing	40	45
(15) Service charge for delivery of documents via facsimile (per page, 7 page maximum)	1	1
FOIA Fees		
(1) Search of Copyright Office records:		
(i) Search prepared by administrative staff (per 15 min., ½ hour min.)	165	7.50
(ii) Search prepared by professional staff (per 15 min., ½ hour min.)	165	17.50
(2) Review of documents:		
(i) Performed by administrative staff (per 15 min.)	N/A	7.50
(ii) Performed by professional staff (15 min.)	N/A	17.50
Licensing Division Services		
(1) Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to § 111:		
(i) Form SA1	N/A	15
(ii) Form SA2	N/A	20
(iii) Form SA3	N/A	500
(2) Processing of a statement of account based on secondary transmissions of primary transmissions pursuant to § 119 or § 122:	N/A	75
(3) Statement of Account Amendment (Cable Television Systems and Satellite Carriers, 17 U.S.C. § 111, § 119, and § 122; Digital Audio Recording Devices or Media, 17 U.S.C. § 1003)	100	150
(4) Filing fee for recordation of a licensing agreement (17 U.S.C. § 118)	140	140
(5) Recordation of a Notice of Intention to Make and Distribute Phonorecords with a single title (17 U.S.C. § 115)	60	75
(i) Additional titles (per group of 1 to 10 titles), paper filing	20	20
(ii) Additional titles (per group of 1 to 100 titles), online filing	N/A	10
(6) Recordation of Certain Contracts by Cable TV Systems Located Outside the 48 Contiguous States	50	50
(7) Section 112/114, Notice of Digital Transmission of Sound Recording	25	40
Amended Notice of Digital Transmission of Sound Recording	25	40
(8) Photocopy of Licensing record by staff (b&w) (per page) [minimum: \$12]	0.50	0.50
(9) Search report prepared from Licensing records (per hour)	165	200
(10) Certification of search report (per hour)	165	200

¹ Current fees are based on an hourly rate.

VI. Technical Amendments

The Office will adopt technical amendments as needed to conform existing regulations to the changes proposed in this notice.

VII. Request for Comments

The Copyright Office is publishing the proposed new fee schedule to provide the public with an opportunity to comment. The Office anticipates implementation of the new fees with the beginning of the new fiscal year, October 1, 2012.

Dated: March 21, 2012.

Maria A. Pallante,

Register of Copyrights.

[FR Doc. 2012-7428 Filed 3-27-12; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2011-0507; FRL-9340-9]

RIN 2070-ZA16

Dicloran and Formetanate; Proposed Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke certain tolerances for the fungicide dicloran and the insecticide formetanate hydrochloride because, in follow-up to voluntary requests from registrants, domestic registrations were voluntarily amended to delete specific uses, leaving no dicloran and formetanate hydrochloride registrations for those uses. Also, in accordance with current Agency practice, EPA is proposing to make minor revisions to the tolerance expressions for dicloran and formetanate hydrochloride and to specific tolerance nomenclatures for dicloran.

DATES: Comments must be received on or before May 29, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2011-0507, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental

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

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2011-0507. EPA's policy is that all comments received will be included in the docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or email. The [regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket

Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Joseph Nevola, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8037; email address: nevola.joseph@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked

will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

C. What can I do if I wish the Agency to maintain a tolerance that the Agency proposes to revoke?

This proposed rule provides a comment period of 60 days for any person to state an interest in retaining a tolerance proposed for revocation. If EPA receives a comment within the 60-day period to that effect, EPA will not proceed to revoke the tolerance immediately. However, EPA will take steps to ensure the submission of any needed supporting data and will issue an order in the **Federal Register** under the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(f), if needed. The order would specify data needed and the timeframes for its submission, and would require that within 90 days some person or persons notify EPA that they will submit the data. If the data are not submitted as required in the order, EPA will take appropriate action under FFDCA.

EPA issues a final rule after considering comments that are submitted in response to this proposed rule. In addition to submitting comments in response to this proposed rule, you may also submit an objection at the time of the final rule. If you fail to file an objection to the final rule within the time period specified, you will have waived the right to raise any

issues resolved in the final rule. After the specified time, issues resolved in the final rule cannot be raised again in any subsequent proceedings.

II. Background

A. What action is the Agency taking?

EPA is proposing to revoke the potato tolerance for the fungicide dicloran and the apple, peach, and pear tolerances for the insecticide formetanate hydrochloride.

EPA is proposing the tolerance revocations in follow-up to the Agency's approval (as described in Unit II.A.) of voluntary requests from registrants to amend dicloran and formetanate product labels to delete uses for specific food commodities. Also, in accordance with current Agency practice, EPA is proposing to make minor revisions to the tolerance expression for dicloran and to specific tolerance nomenclatures for dicloran. In addition, in accordance with current Agency practice to describe more clearly the measurement and scope or coverage of the tolerances, including applicable metabolites and degradates, EPA is proposing minor revisions to the tolerance expression for formetanate hydrochloride. The revisions do not substantively change the tolerance or, in any way, modify the permissible level of residues permitted by the tolerance. It is EPA's general practice to propose revocation of those tolerances for residues of pesticide active ingredients on crop uses for which there are no active registrations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), unless someone submits comments on the proposed rule indicating a need for the tolerance to cover residues in or on imported commodities or legally treated domestic commodities. The following discussion explains the specific changes and the reasons for the changes.

1. *Dicloran.* Because it is no longer Agency practice to distinguish between preharvest and postharvest applications in the tolerance expression, in 40 CFR 180.200, EPA is proposing to remove paragraph (a)(2), redesignate paragraph (a)(1) as paragraph (a), and revise the introductory text containing the tolerance expression in newly designated paragraph (a) by removing the reference concerning preharvest and postharvest applications, to read as set out in the proposed regulatory text at the end of this document.

Also, in the **Federal Register** of December 1, 2010 (75 FR 74714) (FRL-8854-3), EPA published a notice of receipt of requests to voluntarily amend certain dicloran (DCNA) registrations to

delete the use for potato, and therefore terminate the last registrations for use of dicloran in or on potato. In the **Federal Register** of November 16, 2011 (76 FR 71022) (FRL-8883-8), EPA approved the cancellation order for amendments to terminate product uses and allowed registrants to sell and distribute existing stocks of the affected products until November 16, 2012. The Agency allowed persons other than the registrant to sell, distribute, or use existing stocks of the affected products until they are exhausted, provided that it complies with the EPA approved labeling. Recently, the registrant has been in further communication with the Agency, and based on the information provided, EPA believes that existing stocks are likely to be exhausted by December 31, 2014. Therefore, EPA is proposing to revoke the tolerance in newly designated 40 CFR 180.200(a) on potato with an expiration/revocation date of December 31, 2014.

In addition, because it is no longer Agency practice to distinguish between preharvest and postharvest applications in the tolerance definitions, EPA is proposing to revise the commodity terminology in newly designated 40 CFR 180.200(a) from "apricot, postharvest" to "apricot," "carrot, roots, postharvest" to "carrot, roots," "cherry, sweet, postharvest," to "cherry, sweet," "nectarine, postharvest" to "nectarine," "peach, postharvest," to "peach," "plum, prune, fresh, postharvest" to "plum, prune, fresh," and "sweet potato, postharvest," to "sweet potato, roots."

2. *Formetanate hydrochloride.* In the **Federal Register** of July 13, 2011 (76 FR 41250) (FRL-8879-7), EPA published a notice of receipt of requests to voluntarily amend certain formetanate registrations to delete uses for apple, peach, and pear, and therefore terminate the last registrations for use of formetanate hydrochloride in or on those commodities. In the **Federal Registers** of September 14, 2011 (76 FR 56753) (FRL-8888-2) and November 16, 2011 (76 FR 71021) (FRL-9327-1), EPA approved the cancellation order for amendments to terminate product uses and amended the order to allow registrants to sell and distribute existing stocks of the affected products until January 31, 2012 (which extended the deadline by 60 days beyond that previously allowed in the September 14, 2011 cancellation order). The Agency allowed persons other than the registrant to sell, distribute, or use existing stocks of the affected products until December 31, 2013. Therefore, EPA is proposing to revoke the tolerances in 40 CFR 180.276(a) on

apple; apple, wet pomace; peach; and pear with expiration/revocation dates of December 31, 2013.

In order to describe more clearly the measurement and scope or coverage of the tolerances, EPA is proposing to revise the introductory text containing the tolerance expression in 40 CFR 180.276(a) to read as set out in the proposed regulatory text at the end of this document.

B. What is the agency's authority for taking this action?

A "tolerance" represents the maximum level for residues of pesticide chemicals legally allowed in or on raw agricultural commodities and processed foods. Section 408 of FFDCA, 21 U.S.C. 346a, as amended by FQPA of 1996, Public Law 104-170, authorizes the establishment of tolerances, exemptions from tolerance requirements, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods. Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore "adulterated" under FFDCA section 402(a), 21 U.S.C. 342(a). Such food may not be distributed in interstate commerce (21 U.S.C. 331(a)). For a food-use pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under FIFRA (7 U.S.C. 136 *et seq.*). Food-use pesticides not registered in the United States must have tolerances in order for commodities treated with those pesticides to be imported into the United States.

EPA's general practice is to propose revocation of tolerances for residues of pesticide active ingredients on crops for which FIFRA registrations no longer exist and on which the pesticide may therefore no longer be used in the United States. EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Nonetheless, EPA will establish and maintain tolerances even when corresponding domestic uses are canceled if the tolerances, which EPA refers to as "import tolerances," are necessary to allow importation into the United States of food containing such pesticide residues. However, where there are no imported commodities that require these import tolerances, the Agency believes it is appropriate to revoke tolerances for unregistered pesticides in order to prevent potential misuse.

Furthermore, as a general matter, the Agency believes that retention of import tolerances not needed to cover any imported food may result in unnecessary restriction on trade of pesticides and foods. Under FFDCA section 408, a tolerance may only be established or maintained if EPA determines that the tolerance is safe based on a number of factors, including an assessment of the aggregate exposure to the pesticide and an assessment of the cumulative effects of such pesticide and other substances that have a common mechanism of toxicity. In doing so, EPA must consider potential contributions to such exposure from all tolerances. If the cumulative risk is such that the tolerances in aggregate are not safe, then every one of these tolerances is potentially vulnerable to revocation. Furthermore, if unneeded tolerances are included in the aggregate and cumulative risk assessments, the estimated exposure to the pesticide would be inflated. Consequently, it may be more difficult for others to obtain needed tolerances or to register needed new uses. To avoid potential trade restrictions, the Agency is proposing to revoke tolerances for residues on crops for which FIFRA registrations no longer exist, unless someone expresses a need for such tolerances. Through this proposed rule, the Agency is inviting individuals who need these import tolerances to identify themselves and the tolerances that are needed to cover imported commodities.

Parties interested in retention of the tolerances should be aware that additional data may be needed to support retention. These parties should be aware that, under FFDCA section 408(f), if EPA determines that additional information is reasonably required to support the continuation of a tolerance, EPA may require that parties interested in maintaining the tolerances provide the necessary information. If the requisite information is not submitted, EPA may issue an order revoking the tolerance at issue.

C. When do these actions become effective?

EPA is proposing that the actions proposed in this document will become effective on the date of publication of the final rule in the **Federal Register**. EPA is proposing an expiration/revocation date of December 31, 2014 for revocation of the dicloran tolerance on potato and December 31, 2013 for revocation of the formetanate hydrochloride tolerances on apple; apple, wet pomace; peach; and pear. The Agency believes that these revocation dates allow users to exhaust

stocks and allow sufficient time for passage of treated commodities through the channels of trade. However, if EPA is presented with information that existing stocks would still be available and that information is verified, the Agency will consider extending the expiration date of the tolerance. If you have comments regarding existing stocks and whether the effective date allows sufficient time for treated commodities to clear the channels of trade, please submit comments as described under **SUPPLEMENTARY INFORMATION**.

Any commodities listed in this proposed rule treated with the pesticides subject to this proposed rule, and in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by FQPA. Under this unit, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of the Food and Drug Administration that:

1. The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and
2. The residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from tolerance. Evidence to show that food was lawfully treated may include records that verify the dates when the pesticide was applied to such food.

III. International Residue Limits

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

The Codex has not established a MRL for formetanate hydrochloride or MRL for dicloran in or on potatoes.

IV. Statutory and Executive Order Reviews

In this proposed rule, EPA is proposing to revoke specific tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted this type of action (e.g., tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled “*Regulatory Planning and Review*” (58 FR 51735, October 4, 1993). Because this proposed rule has been exempted from review under Executive Order 12866 due to its lack of significance, this proposed rule is not subject to Executive Order 13211, entitled “*Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*” (66 FR 28355, May 22, 2001). This proposed rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled “*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*” (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled “*Protection of Children from Environmental Health Risks and Safety Risks*” (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. This analysis was published on December 17, 1997 (62 FR 66020) (FRL–5753–1), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this proposed rule, the Agency hereby certifies that this proposed rule will not have a significant negative economic impact on a substantial number of small

entities. In a memorandum dated May 25, 2001, EPA determined that eight conditions must all be satisfied in order for an import tolerance or tolerance exemption revocation to adversely affect a significant number of small entity importers, and that there is a negligible joint probability of all eight conditions holding simultaneously with respect to any particular revocation. This Agency document is available in the docket of this proposed rule. Furthermore, for the pesticides named in this proposed rule, the Agency knows of no extraordinary circumstances that exist as to the present proposed rule that would change the EPA’s previous analysis. Any comments about the Agency’s determination should be submitted to the EPA along with comments on the proposed rule, and will be addressed prior to issuing a final rule. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled “*Federalism*” (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” This proposed rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this proposed rule does not have any “tribal implications” as described in Executive Order 13175, entitled “*Consultation and Coordination with Indian Tribal Governments*” (65 FR 67249, November 9, 2000). Executive Order 13175 requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the

Executive order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” This proposed rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

List of Subjects in 40 CFR Part 180

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

Dated: March 19, 2012.

Steve Bradbury,

Director, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180—[AMENDED]

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

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

2. Revise § 180.200 to read as follows:

§ 180.200 Dicloran; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide dicloran, including its metabolites and degradates, in or on the commodities in the table in this paragraph. Compliance with the tolerance levels specified in this paragraph is to be determined by measuring only dicloran, 2,6-dichloro-4-nitroaniline, in or on the commodity.

Commodity	Parts per million	Expiration/revocation date
Apricot	20	None.
Bean, snap, succulent.	20	None.
Carrot, roots	10	11/2/11.
Celery	15	None.
Cherry, sweet ..	20	None.
Cucumber	5	None.
Endive	10	None.
Garlic	5	None.
Grape	10	None.
Lettuce	10	None.
Nectarine	20	None.
Onion	10	None.
Peach	20	None.
Plum, prune, fresh.	15	None.

Commodity	Parts per million	Expiration/revocation date
Potato	0.25	12/31/14.
Rhubarb	10	None.
Sweet potato, roots.	10	None.
Tomato	5	None.

(b) *Section 18 emergency exemptions.*
[Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*
[Reserved]

3. Revise § 180.276 to read as follows:

§ 180.276 Formetanate hydrochloride; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide formetanate hydrochloride, including its metabolites and degradates, in or on the commodities in the table in this paragraph. Compliance with the tolerance levels specified in this paragraph is to be determined by measuring only formetanate hydrochloride, *N,N*-dimethyl-*N'*-[[3-[[[(methylamino)carbonyl]oxy]phenyl]methanimidamide hydrochloride, in or on the commodity.

Commodity	Parts per million	Expiration/revocation date
Apple	0.50	12/31/13.
Apple, wet pomace.	1.5	12/31/13.
Grapefruit	1.5	None.
Lemon	0.60	None.
Lime	0.03	None.
Nectarine	0.40	None.
Orange	1.5	None.
Peach	0.40	12/31/13.
Pear	0.50	12/31/13.
Tangelo	0.03	None.
Tangerine	0.03	None.

(b) *Section 18 emergency exemptions.*
[Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*
[Reserved]

[FR Doc. 2012-7445 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA-HQ-OPPT-2010-0573; FRL-8865-2]

RIN 2070-AJ73

Benzidine-Based Chemical Substances; Di-*n*-pentyl phthalate (DnPP); and Alkanes, C₁₂₋₁₃, Chloro; Proposed Significant New Use Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Toxic Substances Control Act (TSCA), EPA is proposing: To add nine benzidine-based chemical substances to the Significant New Use Rule (SNUR) on benzidine-based chemical substances; a SNUR for di-*n*-pentyl phthalate (DnPP) (1,2-benzenedicarboxylic acid, 1,2-dipentyl ester) (CAS No. 131-18-0); and a SNUR for alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6). In the case of the benzidine-based chemical substances, EPA is also proposing to make inapplicable the exemption relating to persons that import or process substances as part of an article. If finalized, this rule would require persons who intend to manufacture, import, or process these chemical substances for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity. The required notification would provide EPA with the opportunity to evaluate activities associated with a significant new use and an opportunity to protect against potential unreasonable risks, if any, from exposure to the chemical substance.

DATES: Comments must be received on or before June 26, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2010-0573, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.
- *Hand Delivery:* OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave. NW., Washington, DC. Attention: Docket ID number EPA-HQ-OPPT-2010-0573. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the

DCO is (202) 564-8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

• *Instructions:* Direct your comments to docket ID number EPA-HQ-OPPT-2010-0573. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or email. The [regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

• *Docket:* All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required

to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Sara Kemme, National Program Chemicals Division (7404T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 566-0511; email address: sara.kemme@epa.gov.

For general information contact: The TSCA Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

These three different SNURs may apply to different entities.

1. *Benzidine-based chemical substances.* You may be potentially affected by this action if you manufacture, import, or process, including as part of an article, any of the benzidine-based chemical substances listed in Tables 1. and 2. of the regulatory text in this document. Potentially affected entities may include, but are not limited to:

- Manufacturers, importers, or processors of one or more of the subject chemical substances.
- Entities which plan to use the listed chemical substances in conjunction with apparel and other finished products made from fabrics, leather, and similar materials.
- Entities which plan to use the listed chemical substances in conjunction with paper and allied products.
- Manufacturers, importers, or processors of the subject chemical substances in printing inks.

These entities may include those described by the North American Industrial Classification System (NAICS) codes 325-chemical manufacturing, 313-textile manufacturers, 316-leather and allied products manufacturers, 322-paper manufacturers, 4243-apparel, piece goods, and notions wholesalers, or 443-clothing and accessories stores.

2. *DnPP.* For DnPP, you may be potentially affected by this action if you manufacture (defined by statute to include import), or process DnPP. Potentially affected entities may include, but are not limited to: Chemical

industry—plastic material & resins (NAICS code 325211).

3. *Alkanes, C₁₂₋₁₃, chloro* (CAS No. 71011-12-6). You may be potentially affected by this action if you manufacture, import, or process the following short-chained chlorinated paraffin (SCCP): Alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6). Potentially affected entities may include, but are not limited to: Manufacturers (defined by statute to include importers) of SCCPs (NAICS codes 325 and 325998), e.g., chemical manufacturing; including miscellaneous chemical product and preparation manufacturing; and processors of SCCPs (NAICS codes 324 and 324191), e.g., petroleum lubricating oil and grease manufacturing.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The NAICS codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5 for SNUR-related obligations and with respect to benzidine-based chemical substances, the applicability provisions in Unit II.C. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Persons who import any chemical substance governed by a final SNUR are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements and the corresponding regulations at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. Those persons must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including any SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20) and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What action is the agency taking?

EPA is proposing to add nine chemical substances (see Table 1. in Unit III.A.) to the existing SNUR for certain benzidine-based chemical substances at § 721.1660. That regulation includes as significant new uses “any use other than as a reagent to test for hydrogen peroxide in milk; a reagent to test for hydrogen sulfate, hydrogen cyanide, and nicotine; a stain in microscopy; a reagent for detecting blood; an analytical standard; and also

for Colour Index (C.I.) Direct Red 28 (Congo Red, CAS No. 573–58–0) as an indicator dye.” § 721.1660(a)(2). For the nine newly-proposed benzidine-based chemical substances, EPA is proposing to designate any use as a significant new use. EPA requests comment on whether there are any ongoing uses of these chemicals.

EPA is also proposing to amend the SNUR at § 721.1660 to make inapplicable the exemption at § 721.45(f) for persons that import or process benzidine-based chemical substances as part of an article.

Additionally, EPA is proposing a SNUR for DnPP that would designate, as a significant new use, any use of the substance other than as a chemical standard for laboratory use.

EPA is also proposing a SNUR for alkanes, C_{12–13}, chloro (CAS No. 71011–12–6) that would designate any use of the substance as a significant new use. Because any use of alkanes, C_{12–13}, chloro (CAS No. 71011–12–6) would be a new use, § 721.5(a)(2) would be inapplicable to alkanes, C_{12–13}, chloro (CAS No. 71011–12–6). This provision addresses manufacturers, importers, and processors who are also distributors of a chemical substance subject to a SNUR. In certain cases, it requires these distributors to alert their customers that the SNUR exists. This requirement serves an important communication function when certain uses of a chemical, but not others, trigger Significant New Use Notice (SNUN) requirements. Where there are no ongoing, existing uses of a chemical substance and EPA determines by rule that all future uses trigger SNUNs requirement (as with alkanes, C_{12–13}, chloro (CAS No. 71011–12–6)), EPA believes these alerts are not only unnecessary, but unlikely to ever occur.

These proposed SNURs would require persons that manufacture, import, or process any of the chemicals for a significant new use, consistent with the requirements at § 721.25, to notify EPA at least 90 days before commencing such manufacture, process, or import of the chemical substance for a significant new use. For the benzidine-based chemical substances, the proposed elimination of the article exemption at § 721.45(f) would also require persons to notify EPA at least 90 days before commencing processing or importing as part of an article any of the currently-listed or newly-proposed benzidine-based chemical substances. The objectives and rationale for this proposed SNUR are explained in Unit VI.

B. What is the agency's authority for taking this action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a “significant new use.” EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). These factors include:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a SNUN to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)). The general SNUR provisions are found at 40 CFR part 721, subpart A.

C. Applicability of general provisions

General provisions for SNURs appear under 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule.

Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of Premanufacture Notices (PMNs) under TSCA section 5(a)(1)(A). In particular, these requirements include the information submissions requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA section 5(e), 5(f), 6 or 7 to control the activities on which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

However, § 721.45(f) (which generally exempts persons importing or

processing a substance as part of an article) would not apply to benzidine-based chemical substances listed at 40 CFR 721.1660 and those added by this proposed rule. Therefore, a person who imports or processes as part of an article a benzidine-based chemical substance that is covered by this proposed rule would not be exempt from submitting a SNUN. With respect to articles, it is still relevant to the rulemaking whether a use was ongoing or not at time of proposal. It is not EPA's intent to subject ongoing uses of any chemical substances to the requirements of a SNUR. Thus, to the extent that additional ongoing uses of benzidine-based chemical substances are found in the course of rulemaking (whether or not they involve importing or processing as part of articles), EPA would exclude those uses from the final SNUR.

Persons who export or intend to export a chemical substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret TSCA section 12(b) appear at 40 CFR part 707, subpart D. Persons who import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, codified at 19 CFR 12.118 through 12.127; see also 19 CFR 127.28. Those persons must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA, including any SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B.

III. Overview of Benzidine-Based Chemical Substances

A. What additional benzidine-based chemical substances are subject to this proposed SNUR?

This proposed rule would add nine benzidine-based chemical substances to the list of twenty-four chemical substances currently regulated under § 721.1660. The nine benzidine-based chemical substances covered by this proposed SNUR are listed in Table 1. The chemicals listed in Table 1 are identified by Chemical Abstract Service Registry Numbers (CAS number) or if the chemical's CAS number is claimed CBI, the chemical is identified by an EPA accession number, along with its corresponding generic name. The accession numbers are EPA assigned numbers used to identify chemicals in place of confidential CAS numbers. Table 1 also indicates the availability of the Colour Index (C.I.) name and C.I. number, which is either not available or

CBI for some of the chemicals subject to this proposed rule. Persons who are interested in determining the precise identity of the chemical designated by a certain accession number and a generic name should submit a bonafide request to EPA that complies with the information requirements stipulated in § 721.11(b).

TABLE 1—NEWLY ADDED BENZIDINE-BASED CHEMICAL SUBSTANCES

CAS or Accession No.	C.I. name	C.I. No.	Chemical name
117–33–9	Not available	Not available	1,3-Naphthalenedisulfonic acid, 7-hydroxy-8-[2-[4'-(4-hydroxyphenyl)diazanyl][1,1'-biphenyl]-4-yl]diazanyl]-
65150–87–0	Not available	Not available	1,3,6-Naphthalenetrisulfonic acid, 8-hydroxy-7-[2-[4'-(2-(2-hydroxy-1-naphthalenyl)diazanyl][1,1'-biphenyl]-4-yl]diazanyl]-, lithium salt (1:3)
68214–82–4	Direct Navy BH	Not available	2,7-Naphthalenedisulfonic acid, 5-amino-3-[2-[4'-(2-(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)diazanyl][1,1'-biphenyl]-4-yl]diazanyl]-4-hydroxy-, sodium salt (1:2)
72379–45–4	Not available	Not available	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-3-[2-[4'-(2-[2-hydroxy-4-[(2-methylphenyl)amino]phenyl]diazanyl][1,1'-biphenyl]-4-yl]diazanyl]-6-(2-phenyl)diazanyl]-
Accession No. 21808 CAS No. CBI (NA).	CBI	CBI	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy [[[substituted phenylamino] substituted phenylazo] diphenyl]azo-, phenylazo-, disodium salt. (generic name)
Accession No. 24921 CAS No. CBI (NA).	CBI	CBI	4-(Substituted naphthalenyl)azo diphenyl azo-substituted carbopolycycle azo benzenesulfonic acid, sodium salt. (generic name)
Accession No. 26256 CAS No. CBI (NA).	CBI	CBI	4-(Substituted phenyl)azo biphenyl azo-substituted carbopolycycloazo benzenesulfonic acid, sodium salt. (generic name)
Accession No. 26267 CAS No. CBI (NA).	CBI	CBI	4-(Substituted phenyl)azo biphenyl azo—substituted carbopolycycle azo benzenesulfonic acid, sodium salt. (generic name)
Accession No. 26701 CAS No. CBI (NA).	CBI	CBI	Phenylazoaminohydroxynaphthalenylazobiphenylazo substituted benzene sodium sulfonate. (generic name)

B. What action has the agency previously taken on other benzidine-based chemical substances?

In 1996, EPA promulgated a TSCA section 5(a)(2) SNUR for the benzidine-based chemical substances listed at § 721.1660 (61 FR 52287, October 7, 1996) (FRL–5396–6). That rule considered any use of the chemical substances except those listed in § 721.1660(a)(2) as a significant new use that requires a SNUN to be submitted to the Agency prior to manufacture, import, or processing of the listed chemical substances. Because they were identified as ongoing, the SNUR excluded as significant new uses the following uses: As a reagent to test for hydrogen peroxide in milk; a reagent to test for hydrogen sulfate, hydrogen cyanide, and nicotine; a stain in microscopy; as a reagent for detecting blood; and as an analytical standard. In addition, for Colour Index (C.I.) Direct Red 28 (Congo Red) (CAS No. 573–58–0), use as an indicator dye was excluded as a significant new use. The SNUR did not require a SNUN to be submitted by persons that import or process a listed substance as part of an article.

C. What is the production volume of newly-proposed and currently-listed chemical substances?

For the newly proposed nine benzidine-based chemical substances, data reported to EPA for the 2006, 2002, and 1998 reporting cycles, as required by the TSCA Inventory Update Reporting (IUR) rule, indicate no evidence of production (including import). The IUR regulation requires manufacturers and importers of certain chemical substances to report site and manufacturing information for chemicals manufactured (including imported) in amounts of 25,000 pounds or greater at a single site (prior to 2006, reporting was for 10,000 pounds at a site). A general market review on these chemical substances indicates no current manufacture (Ref. 1) within or outside the United States.

In addition, four of these benzidine-based chemicals were included in EPA's Benzidine-based Dyes Action Plan. The additional five chemicals were found in the confidential TSCA inventory. Designed as part of a comprehensive approach to enhancing EPA's Chemical Management Program, action plans summarize hazard, exposure, and use

information; outline the potential risks that each chemical may pose; and identify the specific steps the Agency is considering to address those concerns (Ref. 2).

For the benzidine-based chemical substances currently listed at § 721.1660, data reported to EPA for the 2006, 2002, and 1998 reporting cycles, as required by the TSCA IUR rule, indicate no evidence of domestic production (including import) at IUR reportable levels. Further, EPA's general market review on the currently listed benzidine-based chemical substances suggests that the majority of these chemical substances are not currently being manufactured domestically or abroad (Ref. 1). Although some of these substances appear to be manufactured for allowable uses within the United States at a level below current IUR reporting thresholds, and some substances appear to be manufactured outside the United States generally and may therefore potentially be imported as part of an article, EPA does not have information to suggest that the substances are being imported, for use as part of articles. In fact, the market review did not find evidence of any

import of articles containing benzidine-based chemical substances. As stated in Unit VIII, EPA welcomes comments on any aspect of this proposed SNUR. The Agency specifically invites comments on whether there is ongoing manufacture, import, or processing of these benzidine-based chemical substances, including in articles, other than as excepted at § 721.1660(a)(2).

D. What are the uses of these benzidine-based chemical substances?

Historically, the benzidine-based chemical substances currently listed at § 721.1660 were used as reagents, biological stains in laboratories, and in food industries. Note that TSCA section 3(2)(B)(vi) excludes foods, food additives, drugs, cosmetics or devices (as defined in the Federal Food, Drug, and Cosmetic Act) from the statutory definition of a “chemical substance” when such substances are manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device. Additionally, these previously listed benzidine-based substances are believed to have been historically used as dyes in the textile industry.

The nine newly-proposed benzidine-based chemical substances are believed to have been used in the past in the production of textiles, paints, printing inks paper, and pharmaceuticals. However, based on market information and the fact that the 2006 IUR had no production reports for any of the benzidine-based chemical substances, if these chemical substances are used at all, they are likely used in small volumes, making it difficult to access current production and use information.

E. What are the potential health effects of these chemicals?

The 1980 EPA Preliminary Risk Assessment on derivatives of benzidine established that the primary hazard concern was for the carcinogenic effects to humans from exposure to specific metabolites of the chemical substances (Ref. 3). There is potential for benzidine-based chemical substances to metabolize to the parent benzidine molecule, which is a known carcinogen (Refs. 4, 5, and 6). This metabolism occurs in humans by an enzyme-mediated reaction. These enzymes are found in the liver, in gut bacteria, and in skin bacteria. The result of this enzymatically-aided reduction is the release of the carcinogenic aromatic amine from the chemical substance. Studies have demonstrated that the reduction of benzidine-based chemical substances occurs in the human body as well as on the skin (Ref. 7). Therefore,

the primary human health concern for consumers is exposure to the benzidine-based chemical substances through oral, dermal, or inhalation routes. Evidence from animal studies suggests that there is early life susceptibility to benzidine carcinogenesis (Ref. 8). Cancer potency for benzidine was substantially increased when the dose was given in early life as compared to adults (Ref. 8). For additional information see Benzidine-Based Chemical Substances; Significant New Uses of Certain Chemical Substances; Final Rule (61 FR 52287, October 7, 1996).

F. What are the potential routes and sources of exposures to these chemicals?

There are benzidine related exposure concerns as a result of the use of benzidine and benzidine-based chemical substances. In 1996, EPA identified inhalation, skin absorption, and ingestion as possible routes of exposure in a variety of settings where benzidine-based chemical substances are either manufactured or used (61 FR 52287, October 7, 1996). Although EPA estimated that the highest exposure would be to workers who were involved in dye manufacturing, EPA determined that it was necessary to apply the SNUR to any use of the listed benzidine-based chemical substances, with the exception of the limited uses mentioned in Unit II.A. EPA listed all the benzidine-based chemical substances that it was able to identify on the TSCA Inventory at that time. Since then, EPA has identified the nine additional benzidine-based chemical substances listed as part of Table 1 and has similar concerns about potential consumer and worker exposure to these substances.

Dermal exposure can occur from the leaching of the chemical substances by sweat in contact with the dyed textiles (Ref. 7). Dermal exposure is also a concern since many of these chemical substances can be directly absorbed by the skin to some extent. It is well established that the enzymatically-aided dye reduction to the carcinogenic benzidine unit occurs internally in the liver and the gut (Refs. 9 and 10). Studies have shown that some human skin bacteria possess azo-reductases, the enzymes necessary to break down the benzidine-based chemical substances to release the carcinogenic amines, which can be more readily absorbed (Ref. 11).

Consistent with the information on dermal absorption that EPA reviewed in developing its recent Benzidine-based Chemical Substances Action Plan (EPA-HQ-OPPT-2010-0570 at <http://www.regulations.gov>), EPA identified the following main routes of consumer exposure to benzidine-based chemical

substances that are of concern: (1) Dermal absorption, the primary route from wearing dyed clothing or footwear; (2) oral ingestion, an additional route for babies and young children who suck on clothing, blankets, and other non-food products which might contain any of the benzidine-base chemical substances; (3) inhalation exposure, a more prevalent route in occupational settings; however, it can also occur from the use of dyed inks during “air brushing” or from off-gassing from the dyed carpets to indoor air; and (4) contact with the benzidine-based chemical substances entering the environment, through the whole life cycle of benzidine-based chemical substances in textiles (Ref. 12).

IV. Overview of DnPP

A. What chemical is included in the proposed SNUR?

This proposed SNUR would apply to DnPP (1,2-Benzenedicarboxylic acid, 1,2-dipentyl ester), CAS No. 131-18-0, an ortho-phthalate (or phthalate ester).

B. What is the production volume of DnPP?

No IUR production volume data were reported for DnPP during the 2006, 2002, 1998, and 1994 reporting cycles (Ref. 13). The last reporting of DnPP production to the IUR occurred in 1990 and corresponds to the lowest reportable production volume range (10,000 to 500,000 pounds) (Ref. 13).

DnPP was included in EPA’s Phthalates Action Plan, which was issued on December 30, 2009 (Ref. 14a). As stated in Unit III.C., the chemical action plans were designed as a part of a comprehensive approach to enhancing EPA’s Chemical Management Program. These action plans summarize available hazard, exposure, and use information; outline the potential risks that each chemical may present; and identify the specific steps the Agency is considering to address those concerns. Please note that in response to a request for correction of the information provided in the 2009 Phthalate Action Plan that was filed under the Agency’s Information Quality Guidelines by the American Chemistry Council, EPA issued a revised Phthalate Action Plan on March 14, 2012 (Ref. 14b). Copies of the request for correction and EPA’s response to it are available at <http://www.epa.gov/quality/informationguidelines/iqg-list.html>. Internet queries performed by EPA identified several companies that either use or sell DnPP as a chemical standard for laboratory use. As a result, EPA is proposing a SNUR for DnPP, excluding

use of the substance as a chemical standard for laboratory use.

C. What are the uses of DnPP?

DnPP belongs to a broad category of chemicals commonly referred to as phthalates. Although a number of phthalates are in common use, EPA believes the individual phthalate DnPP is not in general use in the United States, and only has a limited application as a chemical standard for laboratory use. As a chemical category, the major use of phthalates is as plasticizers (Refs. 15–23) especially in polyvinyl chloride (PVC) products, where they are added to impart flexibility and other desirable properties. Phthalate-containing PVC products include a variety of industrial and commercial products, as well as specialized medical and dental applications. The particular phthalate or combination of phthalates used in a specific product's formulation depends on the properties the phthalates impart, as well as their cost.

D. What are the potential health and environmental effects of DnPP?

1. *Human health effects.* Exposures of some phthalates in animal studies resulted in phthalate syndrome effects, which consist of changes in the fetal development of the reproductive system (Refs. 15–22 and 24–35). The phthalates that are the most potent at causing phthalate syndrome effects are generally those with linear ester side chains having 4–6 carbons (Ref. 24). DnPP has a linear carbon chain length of 5 carbons. Of the phthalates studied, DnPP is the most potent in producing testicular toxicity in pubertal animals (Ref. 24).

Developmental oral exposures in rats to DnPP showed increased resorptions, increased fetal mortality, and decreased fetal testicular testosterone production (Refs. 36 and 37); and reduced anogenital distance in male rat offspring (Ref. 38). Effects noted in adult mice exposed to DnPP include decreased body weight; increased liver weights; decreased kidney weights; decreases in the weights of the epididymis, cauda epididymis, testes, and seminal vesicles; complete absence of detectable sperm; shorter average estrous cycle length in females; and decreased fertility (Refs. 39 and 40). Gross and microscopic evidence of degenerative changes have been observed in the testes and epididymis (including testicular atrophy, interstitial cell hyperplasia, degeneration of the seminiferous tubules, and accumulation of fluid and degenerated cells in the epididymis) of rodents (Refs. 39 and 40). There are no

subchronic or chronic animal studies of DnPP exposure through any exposure route.

There are no known human studies of exposure to DnPP. However, due to the data discussed in this section, the data presented and discussed in Phthalates and Cumulative Risk Assessment: The Tasks Ahead, Committee on the Health Risks of Phthalates, National Research Council (2008) (Ref. 24) and DnPP's general structure and categorization as a phthalate, EPA notes that the human health effects of DnPP exposure may be similar to that observed for some other phthalates. Several human studies have reported associations of exposure of some other phthalates with adverse reproductive outcomes and developmental effects similar to those in the rat, although no causal link has been established (Refs. 24 and 41–50). The reproductive developmental effects of some phthalates observed in humans include shortened anogenital distance observed in newborn boys, shortened pregnancy, lower sex and thyroid hormones, and reduced sperm quality in adults; however, some studies failed to show these effects (Ref. 42). Since the pathway for sexual differentiation in the fetus is highly conserved in all mammals, the reproductive and developmental effects observed in the rat studies are potentially relevant to humans.

Studies in animals evaluating the cumulative effects of combinations of phthalates on testosterone fetal mortality, and male and female reproductive development later in life have demonstrated all mixtures were cumulative for all endpoints (Refs. 36–37 and 51–55). The reproductive effects of DnPP observed in animal studies, the reproductive effects of other phthalates observed in humans, and the data on the cumulative effects of mixtures of phthalates, support EPA's concern for potential human health hazards following exposure to DnPP.

2. *Environmental effects.* EPA does not know of any studies of the environmental effects of DnPP. Due to the general structure of DnPP, its behavior in an aquatic environment similar to the close analog mono 2-ethylhexyl phthalate, its log K_{ow} , and water solubility measurements, and its categorization as a phthalate, EPA is concerned that the environmental effects of DnPP may be similar to those of other phthalates studied. Other phthalates studied have been shown to have biological effects in all studied animal groups and have been observed at environmentally relevant exposures in the nanogram/liter to microgram/liter range. The combination of the inherent

toxicity, variable solubility, log of the octanol-water coefficient values, and bioconcentration factor (BCF) values among the studied phthalates elicit both acute and chronic toxicity to aquatic and terrestrial wildlife by targeting thyroid function, liver function, reproduction, and other physiological mechanisms (Refs. 31–35, 56 and 57).

E. What are the potential routes and sources of exposure to DnPP?

1. *Human exposure.* Data from the National Health and Nutrition Examination Survey (NHANES) indicates widespread exposure of the general population to various phthalates (Ref. 58). Phthalates are used in a wide array of plastic products and may be released into the environment during use and disposal of these products (Ref. 58). Biomonitoring data from amniotic fluid and urine have demonstrated that humans are exposed to various phthalates *in utero*, as infants, during puberty, and in adult life; and that people are exposed to several phthalates at once. The urinary metabolites of DnPP were not specifically included in the 4th National Report on Human Exposure to Environmental Chemicals (2010), so EPA cannot draw conclusions as to the current exposure of the general population in the United States to DnPP.

2. *Environmental exposure.* Due to phthalates' pervasive use and release, as well as their propensity for global transport, various phthalates may be found in most environmental media, including ambient air, surface water, soil, and sediment (Refs. 25–32 and 34–35). Fish and other aquatic organisms, as well as terrestrial animals have evidenced exposure to a common phthalate: di-(2-ethylhexyl) phthalate (DEHP) (Refs. 34 and 57). EPA does not have available data on environmental exposures to DnPP.

V. Overview of Alkanes, C_{12–13}, Chloro (CAS No. 71011–12–6)

A. What chemical is included in the proposed SNUR?

This proposed SNUR would cover alkanes, C_{12–13}, chloro (CAS No. 71011–12–6), one type of short-chain chlorinated paraffin (SCCP). This consists of C₁₂ and C₁₃ alkanes with varying degrees of chlorination.

B. What is the production volume of alkanes, C_{12–13}, chloro (CAS No. 71011–12–6)?

No production volumes for alkanes, C_{12–13} chloro (CAS No. 71011–12–6) were reported to the IUR during the 2006, 2002, 1998, and 1994 reporting

cycles, and EPA found no additional evidence of any importation or manufacturing of the chemical.

Alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) was included in EPA's Short-Chain Chlorinated Paraffins (SCCPs) and Other Chlorinated Paraffins Action Plan (Ref. 59). As stated in Unit III.C., the chemical action plans were designed as a part of a comprehensive approach to enhancing EPA's Chemical Management Program. These action plans summarize available hazard, exposure, and use information; outline the potential risks that each chemical may present; and identify the specific steps the Agency is considering to address those concerns.

C. What were the uses of this SCCP?

Alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) is an individual chemical substance that belongs to a category of chemicals referred to as SCCPs. There are many different chemical substances that are members of the SCCP category. Generally these SCCPs have between 10 and 13 carbon atoms and contain 40–70 percent chlorine by weight. Of the different SCCPs that are listed on the TSCA Inventory, EPA believes the SCCP named "Alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6)" is not in use in the United States and EPA has found no information that indicates it has ever been used. All of the data discussed in this section associated with the SCCPs general category would pertain to any individual member of that category, including alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6).

D. What are the potential environmental effects of alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6)?

The primary concern for SCCPs is ecotoxicity. There are internationally accepted data specifically on the ecotoxicity of alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) (Ref. 60). Alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) are highly toxic to aquatic invertebrates following acute and chronic exposures. In fish, this high toxicity is associated with chronic exposures, but not for acute exposures. For aquatic plants, there is high toxicity associated with both acute and chronic exposures to SCCPs in general (Ref. 59–61).

Both Health Canada and Environment Canada have characterized all chlorinated paraffins (short chain chlorinated paraffins, medium chain chlorinated paraffins, and long chain chlorinated paraffins), which include the chemical substance covered by this proposed rule, as "toxic" under the Canadian Environmental Protection Act

(CEPA) (Ref. 61). Their assessment found that these SCCPs have or may have an immediate or long term harmful effect on the environment or its biological diversity; and that they are persistent, bioaccumulative, inherently toxic and present in the environment primarily as a result of human activity (Ref. 61).

E. What are the potential routes and sources of exposure to alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6)?

The mechanisms or pathways by which the SCCPs, including alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6), move into and through the environment and humans are not fully understood, but are likely to include releases from manufacturing of the chemicals, manufacturing of products like plastics or textiles, aging and wear of products like sofas and electronics, and releases at the end of product life (e.g., disposal, recycling).

EPA has concerns regarding the environmental fate and the exposure pathways that lead to any SCCP presence, including C12 and C13 SCCPs (for example, Alkanes, C₁₂₋₁₃, Chloro (CAS No. 71011-12-6)), in a variety of biota, including freshwater aquatic species, marine mammals, and avian and terrestrial wildlife (Ref. 60). In addition, SCCPs, including C12 and C13 SCCPs, have been detected in samples of human breast milk from Canada and the United Kingdom, as well as in a variety of food items from Japan and various regions of Europe (Ref. 62–63). SCCPs are routinely found in soil and sediment samples. EPA also has concerns about the persistence, bioaccumulation, and toxicity (PBT) of SCCPs (Ref. 60).

VI. Rationale and Objectives

A. Rationale

Consistent with EPA's past practice for issuing SNURs under TSCA section 5(a)(2), EPA's decision to propose a SNUR for a particular chemical use need not be based on an extensive evaluation of the hazard, exposure, or potential risk associated with that use. Rather, the Agency's action is based on EPA's determination that if the use begins or resumes, it may present a risk that EPA should evaluate under TSCA before the manufacturing or processing for that use begins. Since the new use does not currently exist, deferring a detailed consideration of potential risks or hazards related to that use is an effective use of resources. If a person decides to begin manufacturing or processing the chemical for the use, the notice to EPA allows EPA to evaluate

the use according to the specific parameters and circumstances surrounding that intended use.

1. *Benzidine-based chemical substances.* As summarized in Unit III., EPA is concerned about potential carcinogenic effects on workers and consumers from the manufacture, processing, importing, or use of these substances. Consumers exposed via dermal exposure to consumer products containing the benzidine-based chemical substances are a particular concern because enzymes present in the human body and in bacteria on the skin aid in the reduction of these chemical substances to the benzidine unit, an established human carcinogen (Ref. 8). The main consumer products that could result in dermal exposure if containing these chemical substances include textiles and leather products because they are in prolonged contact with human skin.

During the review of information on benzidine-based chemical substances, EPA determined that the newly identified chemical substances covered by this proposed rule present the same concerns (Ref. 2) as those of the benzidine-based chemical substances currently listed under § 721.1660. However, based on a review of IUR data and a separate market review, EPA does not believe there is any current manufacture of these nine benzidine-based chemical substances within or outside the United States.

In addition, as discussed earlier, although some of the currently listed benzidine-based chemical substances may be manufactured or processed outside the United States, EPA does not have specific information that suggests they are entering into the United States in imported articles (Ref. 4). In fact, an analysis of the benzidine-based chemical substances market (Ref. 1) revealed no information indicating import of articles containing benzidine-based chemical substances for non-excluded purposes. Supporting a conclusion that there is no import of textile articles containing benzidine-based chemical substances, the American Apparel and Footwear Association, the national trade association representing apparel, footwear, and other sewn products companies and their suppliers, which compete in the global market, includes benzidine on its Restricted Substances List (RSL) (Ref. 64). The RSL is a compilation of chemicals, regulated or banned, that are used by apparel and footwear industries.

Although it appears there is no ongoing manufacture of the nine newly proposed benzidine-based chemical

substances, or import for a non-excluded use of articles containing any benzidine-based chemical substances, the manufacture (including import) or processing of the nine newly proposed benzidine-based chemical substances and the import or processing of articles containing any benzidine-based chemical substances may begin at any time, without prior notice to EPA. Thus, EPA is concerned that commencement of the manufacture, import, or processing for any new uses, including resumption of past uses, of benzidine-based chemical substances could significantly increase the magnitude and duration of exposure to humans over that which would otherwise exist currently. EPA is concerned that such an increase should not occur without an opportunity to evaluate activities associated with a significant new use and an opportunity to protect against potential unreasonable risks, if any, from exposure to the chemical substance.

Therefore, EPA is proposing a SNUR for the nine benzidine-based chemical substances by adding them to those currently listed at § 721.1660, and to make inapplicable the article exemption at § 721.45(f) for those chemical substances newly proposed in this rulemaking as well as for those already listed at § 721.1660. If finalized, a person who intends to manufacture (including import) or process any of the benzidine-based chemical substances for a non-excluded use, or to import or process any listed benzidine-based chemical substance for a non-excluded use as part of an article, would be required to submit a SNUN.

2. *DnPP*. As summarized in Unit IV., EPA has concerns regarding potential adverse human health and environmental effects that may be caused by DnPP. EPA has direct information from animal studies that DnPP specifically can elicit developmental/reproductive effects that are relevant to human health and also indicate potential effects in wildlife. EPA also is concerned that due to its general structure and categorization as a phthalate that DnPP may elicit adverse environmental effects similar to those described for other phthalates. EPA is concerned that any manufacturing (including import) or processing of DnPP, beyond that for its limited ongoing use as a chemical standard for laboratory use, could significantly increase the magnitude and duration of exposure to humans over that which would otherwise exist currently. EPA is concerned that such an increase should not occur without an opportunity to evaluate activities associated with a

significant new use and an opportunity to protect against potential unreasonable risks, if any, from exposure to the chemical substance. Therefore, EPA is proposing a SNUR for DnPP that would designate, as a significant new use, any use of the chemical substance other than as a chemical standard for laboratory use. If finalized, a person who intends to manufacture, import, or process DnPP for use other than as a chemical standard for laboratory use would be required to submit a SNUN.

3. *Alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6)*. The mechanisms or pathways by which the SCCPs, including alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6), move into and through the environment and humans are not fully understood, but are likely to include releases from manufacturing of the chemicals, manufacturing of products like plastics or textiles, aging and wear of products like sofas and electronics, and releases at the end of product life (e.g., disposal, recycling).

EPA believes that all manufacture, processing, and import into the United States of alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) has ceased. Given EPA has no evidence to suggest that there is any manufacture, processing, or importation of this chemical substance in the United States, and taking into consideration the negative commercial and regulatory environment associated with this chemical internationally (including the EU and Canadian ban on marketing) and use of the alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) domestically, EPA does not expect to find such activity. However, EPA is concerned that commencement of the manufacture, import or processing for any new uses, including resumption of past uses, could significantly increase the magnitude and duration of exposure to humans over that which would otherwise exist. EPA is concerned that such an increase should not occur without an opportunity to evaluate activities associated with a significant new use and an opportunity to protect against potential unreasonable risks, if any, from exposure to the chemical substance. Therefore, EPA is proposing a SNUR for alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) that would designate as a significant new use any use of the chemical substance. If finalized, a person who intends to manufacture, import, or process alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) for any use would be required to submit a SNUN.

EPA is requesting comment on whether any of the significant new uses identified are currently ongoing. However, if EPA determines, based on

comments on this proposed rule or on other information the Agency identifies, that any proposed significant new use of any of the chemical substances has been ongoing (including, in the case of benzidine-based chemical substances, that an article containing benzidine-based chemical substances was being imported or processed) prior to date of publication of the final rule, EPA would exclude such ongoing uses from the final SNUR and consider pursuing other regulatory action, as appropriate.

B. Objectives

Based on the considerations in Unit VI.A.1-3, EPA wants to achieve the following objectives with regard to the significant new use(s) that are designated in this proposed rule:

1. EPA would receive notice of any person's intent to manufacture or process the specified chemicals for the described significant new uses before that activity begins;
2. EPA would have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing of the specified chemicals for the described significant new use; and
3. EPA would be able to regulate prospective uses of the specified chemicals before the described significant new uses occur, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6 or 7.

VII. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorizes EPA to consider any other relevant factors.

To determine what would constitute a significant new use of the benzidine-based chemical substances subject to this proposed rule, DnPP and the alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6), as discussed herein, EPA

considered relevant information about the toxicity of these substances, likely human exposures and environmental releases associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA. EPA has preliminarily determined that the manufacture, import, processing, or import or processing as part of an article of any of the benzidine-based chemical substances subject to this proposed rule, except ongoing uses specified in § 721.1660(a)(2)(i) of the regulatory text in this document, is a significant new use. EPA has also preliminarily determined that the manufacture, import, or processing of DnPP for any use other than as a chemical standard for laboratory use is a significant new use, and the manufacture, processing, or import of alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) for any use is a significant new use.

VIII. Request for Public Comment

EPA welcomes comments on any aspect of this proposed SNUR. Information available about environmental effects, health effects, and exposure would be beneficial. EPA is also requesting public comment on whether there are any ongoing uses of any of these chemicals for the proposed significant new uses (including processing or import of benzidine-based chemical substances in articles) and would welcome specific information that documents such uses.

IX. Alternatives

Before proposing these SNURs, EPA considered the following alternative regulatory actions:

A. Promulgate a TSCA Section 8(a) Reporting Rule

Under a TSCA section 8(a) rule, EPA could, among other things, generally require persons to report information to the Agency when they intend to manufacture, import, or process a listed chemical for a specific use or any use. However, for the chemical substances subject to this proposed rule, the use of TSCA section 8(a) rather than SNUR authority would have several limitations. First, if EPA were to require reporting under TSCA section 8(a) instead of TSCA section 5(a), EPA would not have the opportunity to review human and environmental hazards and exposures associated with the proposed significant new use and, if necessary, take immediate follow-up regulatory action under TSCA sections 5(e) or 5(f) to prohibit or limit the activity before it begins. In addition, EPA may not receive important information from small businesses,

because such firms generally are exempt from TSCA section 8(a) reporting requirements. In view of the level of health and environmental concerns about the chemicals subject to this proposed rule if used for the proposed significant new uses, EPA believes that a TSCA section 8(a) rule for this substance would not meet EPA's regulatory objectives.

B. Regulate Under TSCA Section 6

EPA may regulate under TSCA section 6 if "the Administrator finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use or disposal of a chemical substance or mixture presents or will present an unreasonable risk of injury to health or the environment." (TSCA section 6(a)). Given that the benzidine-based chemical substances subject to this proposed rule are no longer being used except as provided in the regulatory text of this document, DnPP is no longer being used except as a chemical standard for laboratory use, and alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) is no longer used in the United States, EPA concluded that risk management action under TSCA section 6 is not necessary at this time. This proposed SNUR would allow the Agency to address the potential risks associated with the proposed significant new uses. If EPA learns that these chemicals are in use, EPA may reconsider this decision and pursue additional regulatory action as appropriate.

X. Applicability of Proposed Rule to Uses Occurring Before Effective Date of the Final Rule

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376), EPA has decided that the intent of section 5(a)(1)(B) of TSCA is best served by designating a use as a significant new use as of the date of publication of the proposed rule rather than as of the effective date of the final rule. If uses begun after publication of the proposed rule were considered ongoing rather than new, it would be difficult for EPA to establish SNUR notice requirements, because a person could defeat the SNUR by initiating the proposed significant new use before the rule became final, and then argue that the use was ongoing as of the effective date of the final rule. Thus, persons who begin the commercial manufacture, import, or processing of a covered substance as a significant new use have to cease any such activity as of the effective date of the rule if and when finalized. To resume their activities, these persons would have to comply with all

applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. Uses arising after the publication of the proposed rule are distinguished from uses that exist at publication of the proposed rule. The former would be new uses, the latter ongoing uses. To the extent that additional ongoing uses are found in the course of rulemaking, EPA would exclude those uses from the final SNUR. EPA has promulgated provisions to allow persons to comply with this SNUR before the effective date. If a person were to meet the conditions of advance compliance under § 721.45(h), that person would be considered to have met the requirements of the final SNUR for those activities.

XI. Test Data and Other Information

EPA recognizes that TSCA section 5 does not require developing any particular test data before submission of a SNUN. There are two exceptions: (1) Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)) and (2) development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)). In the absence of a section 4 test rule or a section 5(b)(4) listing covering the chemical substance, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (15 U.S.C. 2604(d); 721.25, and 720.50). However, as a general matter, EPA recommends that SNUN submitters include data that would permit a reasoned evaluation of risks posed by the chemical substance during its manufacture, import, processing, use, distribution in commerce, or disposal. EPA encourages persons to consult with the Agency before submitting a SNUN. As part of this optional pre-notice consultation, EPA would discuss specific data it believes may be useful in evaluating a significant new use. SNUNs submitted for significant new uses without any test data may increase the likelihood that EPA would take action under TSCA section 5(e) to prohibit or limit activities associated with this chemical.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs that provide detailed information on:

1. Human exposure and environmental releases that may result from the significant new uses of the chemical substance.

2. Potential benefits of the chemical substance.

3. Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

XII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notice requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in § 720.50. SNUNs must be on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in §§ 721.25 and 720.40. E-PMN software is available electronically at <http://www.epa.gov/opptintr/newchems>.

XIII. Economic Analysis

A. SNUNs

EPA has evaluated the potential costs of establishing SNUR reporting requirements for potential manufacturers and processors of these chemicals and for articles containing any of the benzidine-based chemical substances included in this proposed rule. These economic analyses, which are briefly summarized here, are available in the docket for this proposed rule.

The costs of submission of a SNUN would be incurred when a company decides to pursue a significant new use of one of these chemicals. In the event that a SNUN is submitted, costs are estimated at approximately \$8,112 per SNUN submission, and include the cost for preparing and submitting the SNUN, recordkeeping, and the payment of a user fee. Businesses that submit a SNUN are either subject to a \$2,500 user fee required by § 700.45(b)(2)(iii), or, if they are a small business with annual sales of less than \$40 million when combined with those of the parent company (if any), a reduced user fee of \$100 (§ 700.45(b)(1)). In its evaluation of this proposed rule, EPA also considered the potential costs a company might incur by avoiding or delaying the significant new use in the future, but these costs have not been quantified.

B. Export Notification

EPA regulations under TSCA section 12(b) (15 U.S.C. 2611(b)) at 40 CFR part 707, subpart D require that, for chemicals subject to a proposed or final SNUR, a company notify EPA of the first export or intended export to a particular country of an affected chemical substance. EPA estimated that the one-time cost of preparing and submitting an

export notification to be \$78.54. The total costs of export notification would vary per chemical, depending on the number of required notifications (i.e., number of countries to which the chemical is exported).

XIV. References

As indicated under **ADDRESSES**, a docket has been established for this proposed rule under docket ID number EPA–HQ–OPPT–2010–0573. The following is a listing of the documents that have been placed in the docket for this proposed rule. The docket includes information considered by EPA in developing this proposed rule, including the documents listed in this unit, which are physically located in the docket. In addition, interested parties should consult documents that are referenced in the documents that EPA has placed in the docket, regardless of whether these referenced documents are physically located in the docket. For assistance in locating documents that are referenced in documents that EPA has placed in the docket, but that are not physically located in the docket, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**. The docket is available for review as specified under **ADDRESSES**.

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XV. Statutory and Executive Order Reviews

A. Regulatory Planning and Review

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Office of Management and Budget (OMB) determined that this proposed SNUR is a “significant regulatory action” under section 3(f) of the Executive Order. Accordingly, EPA submitted this action to OMB for review under Executive Order 12866 and 13563, entitled *Improving Regulation and Regulatory Review* (76 FR 3821, January 21, 2011). EPA prepared an analysis of the potential costs and benefits associated with this action, which is summarized in Unit XIII.

Changes made in response to OMB recommendations have been documented in the docket for this rulemaking as required by section 6(a)(3)(E) of the Executive Order.

B. Paperwork Activities

According to the Paperwork Reduction Act (PRA), 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 that requires OMB approval under the PRA, unless it has been approved by OMB and 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.

The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0038 (EPA ICR No. 1188). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average 97 hours per response. This burden estimate includes the time needed to review instructions, search

existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Small Entity Impacts

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, the Agency hereby certifies that promulgation of this SNUR would not have a significant adverse economic impact on a substantial number of small entities. Under the RFA, small entities include small businesses, small organizations, and small governmental jurisdictions. Small entity is defined in accordance with section 601 of the RFA as: A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; 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 a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

For purposes of assessing the impacts of this proposed rule on small entities, EPA has determined that this proposed rule is not expected to impact any small not-for-profit organizations or small governmental jurisdictions. As such, the Agency estimated potential impacts on small business. A SNUR applies to any person (including small or large entities) who intends to engage in any activity described in the rule as a "significant new use." By definition of the word "new" and based on all information currently available to EPA, it appears that no small or large entities presently engage in such activity. Since this action would require a person who intends to engage in such activity in the future to first notify EPA by submitting a SNUN, no economic impact would occur unless someone files a SNUN to pursue a significant new use in the future or forgoes profits by avoiding or delaying the significant new use.

Although some small entities may decide to conduct such activities in the future, EPA cannot presently determine how many, if any, there may be.

EPA's experience to date is that, in response to the promulgation of over 1,000 SNURs, the Agency receives on average only five notices per year. Of those SNURs submitted, only one appears to be from a small entity in response to any SNUR. Therefore, EPA believes that the potential economic impact of complying with this SNUR is not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published as a final rule on August 8, 1997 (62 FR 42690) (FRL-5735-4), the Agency presented its general determination that proposed and final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. State, Local, and Tribal Governments

In EPA's experience with proposing and finalizing SNURs since 1980, no state, local, or Tribal government has initiated the manufacture of a chemical for a new use. Furthermore, EPA does not have any reason to believe that any state, local, or tribal government would do so for the chemicals in this rulemaking. For that reason, EPA has determined that this action does not have federalism implications as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), or tribal implications as specified in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000).

In addition, this action does not impose any enforceable duty or contain any unfunded mandate for State, local, or tribal governments under the provisions of Title II of the Unfunded Mandates Reform Act (UMRA), 2 U.S.C. 1531-1538. Nor does it otherwise have any effect on small governments, or estimated impacts on the private sector that might exceed \$100 million in any year.

Thus, sections 202, 203, 204, or 205 of UMRA, Executive Order 13132, and Executive Order 13175 do not apply to this action.

E. Protection of Children

This action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this action is

not an economically significant regulatory action as defined by Executive Order 12866, and it is not intended to address environmental health or safety risks for children.

F. Effect on Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not an economically significant regulatory action as defined by Executive Order 12866, and it is not expected to affect energy supply, distribution, or use.

G. Technical Standards

Since this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), 15 U.S.C. 272 note, does not apply to this action.

H. Environmental Justice

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: March 20, 2012.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. Revise § 721.1660 to read as follows:

§ 721.1660 Benzidine-based chemical substances.

(a) *Chemical substances and significant new uses subject to reporting.*
(1) The benzidine-based chemical substances listed in Table 1. and Table 2. of this section are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

TABLE 1—NEWLY ADDED BENZIDINE-BASED CHEMICAL SUBSTANCES

CAS or accession No.	C.I. name	C.I. number	Chemical name
117-33-9	Not available	Not available	1,3-Naphthalenedisulfonic acid, 7-hydroxy-8-[2-[4'-(4-hydroxyphenyl)diazeryl][1,1'-biphenyl]-4-yl]diazeryl]-
65150-87-0	Not available	Not available	1,3,6-Naphthalenetrisulfonic acid, 8-hydroxy-7-[2-[4'-(2-(2-hydroxy-1-naphthalenyl)diazeryl][1,1'-biphenyl]-4-yl]diazeryl]-, lithium salt (1:3)
68214-82-4	Direct Navy BH	22590	2,7-Naphthalenedisulfonic acid, 5-amino-3-[2-[4'-(2-(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)diazeryl][1,1'-biphenyl]-4-yl]diazeryl]-4-hydroxy-, sodium salt (1:2)
72379-45-4	Not available	Not available	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-3-[2-[4'-(2-[2-hydroxy-4-[(2-methylphenyl)amino]phenyl]diazeryl][1,1'-biphenyl]-4-yl]diazeryl]-6-(2-phenyl)diazeryl]-
Accession No. 21808 CAS No. CBI (NA).	CBI	CBI	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy [[[substituted phenylamino]] substituted phenylazo] diphenylazo-, phenylazo-, disodium salt. (generic name)
Accession No. 24921 CAS No. CBI (NA).	CBI	CBI	4-(Substituted naphthalenyl)azo diphenylazo-substituted carbopolycycle azo benzenesulfonic acid, sodium salt. (generic name)
Accession No. 26256 CAS No. CBI (NA).	CBI	CBI	4-(Substituted phenyl)azo biphenylazo-substituted carbopolycycloazo benzenesulfonic acid, sodium salt. (generic name)
Accession No. 26267 CAS No. CBI (NA).	CBI	CBI	4-(Substituted phenyl)azo biphenylazo-substituted carbopolycycle azo benzenesulfonic acid, sodium salt. (generic name)
Accession No. 26701 CAS No. CBI (NA).	CBI	CBI	Phenylazoaminohydroxynaphthalenyl azobiphenyl azo-substituted benzene sodium sulfonate. (generic name)

TABLE 2—BENZIDINE-BASED CHEMICAL SUBSTANCES

CAS No.	C.I. name	C.I. No.	Chemical name
92-87-5	Benzidine	Not available	[1,1'-Biphenyl]-4,4'-diamine
531-85-1	Benzidine · 2HCl	Not available	[1,1'-Biphenyl]-4,4'-diamine, dihydrochloride
573-58-0	C.I. Direct Red 28	22120	1-Naphthalenesulfonic acid, 3,3'-[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[4-amino-, disodium salt
1937-37-7	C.I. Direct Black 38	30235	2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4'-[(2,4-diaminophenyl)azo][1,1'-biphenyl]-4-yl]azo]-5-hydroxy-6-(phenylazo)-, disodium salt
2302-97-8	C.I. Direct Red 44	22500	1-Naphthalenesulfonic acid, 8,8'-[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[7-hydroxy-, disodium salt
2429-73-4	C.I. Direct Blue 2	22590	2,7-Naphthalenedisulfonic acid, 5-amino-3-[[4'-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo][1,1'-biphenyl]-4-yl]azo]-4-hydroxy-, trisodium salt
2429-79-0	C.I. Direct Orange 8	22130	Benzoic acid, 5-[[4'-[(1-amino-4-sulfo-2-naphthalenyl)azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy-, disodium salt
2429-81-4	C.I. Direct Brown 31	35660	Benzoic acid, 5-[[4'-[[2,6-diamino-3-[[8-hydroxy-3,6-disulfo-7-[(4-sulfo-1-naphthalenyl)azo]-2-naphthalenyl]azo]-5-methylphenyl]azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy-, tetrasodium salt
2429-82-5	C.I. Direct Brown 2	22311	Benzoic acid, 5-[[4'-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy-, disodium salt
2429-83-6	Direct Black 4	30245	2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4'-[(2,4-diamino-5-methylphenyl)azo][1,1'-biphenyl]-4-yl]azo]-5-hydroxy-6-(phenylazo)-, disodium salt
2429-84-7	C.I. Direct Red 1	22310	Benzoic acid, 5-[[4'-[(2-amino-8-hydroxy-6-sulfo-1-naphthalenyl)azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy-, disodium salt
2586-58-5	C.I. Direct Brown 1:2	30110	Benzoic acid, 5-[[4'-[[2,6-diamino-3-methyl-5-[(4-sulfophenyl)azo]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy-, disodium salt
2602-46-2	C.I. Direct Blue 6	22610	2,7-Naphthalenedisulfonic acid, 3,3'-[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[5-amino-4-hydroxy-, tetrasodium salt
2893-80-3	C.I. Direct Brown 6	30140	Benzoic acid, 5-[[4'-[[2,4-dihydroxy-3-[(4-sulfophenyl)azo]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy-, disodium salt

TABLE 2—BENZIDINE-BASED CHEMICAL SUBSTANCES—Continued

CAS No.	C.I. name	C.I. No.	Chemical name
3530-19-6	C.I. Direct Red 37	22240	1,3-Naphthalenedisulfonic acid, 8-[[4'-[(4-ethoxyphenyl) azo][1,1'-biphenyl]-4-yl]azo]-7-hydroxy-, disodium salt
3567-65-5	C.I. Acid Red 85	22245	1,3-Naphthalenedisulfonic acid, 7-hydroxy-8-[[4'-[[[(4-methylphenyl) sulfonyl]oxy]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-, disodium salt
3626-28-6	C.I. Direct Green 1	30280	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-3-[[4'-[(4-hydroxyphenyl)azo][1,1'-biphenyl]-4-yl]azo]-6-(phenylazo)-, disodium salt
3811-71-0	C.I. Direct Brown 1	30045	Benzoic acid, 5-[[4'-[[2,4-diamino-5-[(4-sulfo)phenyl]azo]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy-, disodium salt
4335-09-5	C.I. Direct Green 6	30295	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-[[4'-[(4-hydroxyphenyl)azo][1,1'-biphenyl]-4-yl] azo]-3-[(4-nitrophenyl)azo]-, disodium salt
6358-80-1	C.I. Acid Black 94	30336	2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-3-[[4'-[[4-hydroxy-2-[(2-methylphenyl)amino]phenyl]azo] [1,1'- biphenyl]-4-yl]azo]-6-[(4-sulfo)phenyl] azo)-, trisodium salt
6360-29-8	C.I. Direct Brown 27	31725	Benzoic acid, 5-[[4'-[[4-(4-amino-7-sulfo-1-naphthalenyl)azo]-6-sulfo-1-naphthalenyl]azo][1,1'-biphenyl]-4-yl] azo]-2-hydroxy-, trisodium salt
6360-54-9	C.I. Direct Brown 154	30120	Benzoic acid, 5-[[4'-[[2,6-diamino-3-methyl-5-[(4-sulfo)phenyl]azo]phenyl] azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxy-3-methyl-, disodium salt
8014-91-3	C.I. Direct Brown 74	36300	Benzoic acid, 3,3'-[(3,7-disulfo-1,5-naphthalenediyl)bis[azo(6-hydroxy-3,1-phenylene)azo]6(or7)-sulfo-4,1-naphthalenediyl]azo[1,1'-biphenyl]-4,4'-diylazo]]bis[6-hydroxy-, hexasodium salt
16071-86-6	C.I. Direct Brown 95	30145	Cuprate(2-), [5-[[4'-[[2,6-dihydroxy-3-[(2-hydroxy-5-sulfo)phenyl]azo]phenyl] azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxybenzoato(4-)-, disodium salt

(2) The significant new uses are:

(i) Any use other than use as:

(A) For the chemicals listed in Table 2., as reagent to test for hydrogen peroxide in milk; a reagent to test for hydrogen sulfate, hydrogen cyanide, and nicotine; a stain in microscopy; a reagent for detecting blood and as an analytical standard.

(B) For Colour Index (C.I.) Direct Red 28 (Congo Red) (CAS No. 573-58-0) listed in Table 2., as an indicator dye.

(ii) For the 9 chemical substances listed in Table 1.: Any use.

(3) *Revocation of article exemption.* The provisions of § 721.45(f) do not apply to this section. A person who imports or processes the chemical substances identified in paragraph (a)(1) of this section as part of an article for the significant new use described in paragraph (a)(2) of this section must submit a significant new use notice.

(b) [Reserved]

3. Add § 721.10226 to subpart E to read as follows:

§ 721.10226 Di-*n*-pentyl phthalate (DnPP).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as di-*n*-pentyl phthalate (DnPP) (1,2-benzenedicarboxylic acid, 1,2-dipentyl ester) (CAS No. 131-18-0) is subject to

reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new use is: Any use other than as a chemical standard for laboratory use.

(b) [Reserved]

4. Add § 721.10227 to subpart E to read as follows:

§ 721.10227 Alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as alkanes, C₁₂₋₁₃, chloro (CAS No. 71011-12-6) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new use is: Any use.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Persons who must report.* § 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture or import for commercial purposes a substance identified in paragraph (a)(1) of this section and intends to distribute the substance in

commerce must submit a significant new use notice.

(2) [Reserved]

[FR Doc. 2012-7208 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1114]

Proposed Flood Elevation Determinations

Correction

In proposed rule document 2010-14558 appearing on pages 34415-34417 in the issue of June 17, 2010, make the following correction:

§ 67.4 [Corrected]

On page 34416, in § 67.4, the table titled "Cass County, Texas, and Incorporated Areas" is corrected to read as set forth below:

CASS COUNTY, TEXAS, AND INCORPORATED AREAS

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Black Bayou	Just upstream of FM 251	None	+227	Unincorporated Areas of Cass County.
	Approximately 1 mile upstream of U.S. Route 59	None	+237	
Hurricane Creek	Approximately 250 feet upstream of East Pinecrest Drive	None	+237	Unincorporated Areas of Cass County.
South Tributary to Black Bayou	Just downstream of North Holly Street	None	+269	Unincorporated Areas of Cass County.
	At the confluence with Black Bayou	None	+228	
	Approximately 800 feet downstream of Salmon Road	None	+239	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Cass County

Maps are available for inspection at the Cass County Courthouse, 604 Highway 8 North, Linden, TX 75563.

[FR Doc. C1-2010-14558 Filed 3-27-12; 8:45 am]
BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 86

[Docket No. FWS-R9-WSR-2011-0083;
FVWF94100900007B-XXX-FF09W11000]

RIN 1018-AW64

Boating Infrastructure Grant Program

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose changes in the regulations governing the administration of the national Boating Infrastructure Grant Program (BIG). We are updating the regulations to reflect changes in policy and practice that have occurred since the program's inception in 1998. We are also responding to recommendations received from States carrying out the program, a Federal advisory committee, and organizations with an interest in the program. The proposed rule will clarify the current program requirements, adjust the

ranking criteria for competitive awards to correspond to the priorities in the Sportfishing and Boating Safety Act of 1998, organize questions and answers to reflect the life cycle of the grant, and reword and reformat regulations following Federal plain language policy and current rulemaking guidance.

DATES: We will accept comments received or postmarked on or before May 29, 2012.

ADDRESSES: You may submit comments, identified by docket number FWS-R9-WSR-2011-0083, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-R9-WSR-2011-0083; U.S. Fish and Wildlife Service; Division of Policy and Directives Management; 4401 North Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.
- *Hand Delivery/Courier:* U.S. Fish and Wildlife Service; Division of Policy and Directives Management; 4501 North Fairfax Drive, Room 2042 PDM; Arlington, VA 22203.

We will not accept email or faxes. All submissions received must include the agency name and docket number or Regulatory Information Number (RIN)

for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Lisa E. Van Alstyne, Wildlife and Sport Fish Restoration Program, Division of Policy and Programs, U.S. Fish and Wildlife Service, 703-358-1942.

SUPPLEMENTARY INFORMATION:

Background

Boating is a national pastime recognized for decades as a recreational activity that also has a strong economic impact. According to the National Marine Manufacturer's Association Recreational Boating Statistical Abstract, 2009, boating contributes \$30.8 billion in annual sales and services to the U.S. economy. Studies of recreational boaters have shown an increase in the number of boats at least

26 feet long that stay in the water for the entire season and travel throughout the country's waterways. These boaters contribute an estimated 16 percent of the overall boating impact to the economy, over \$5 billion annually. The activities of transient recreational boats at least 26 feet long call for specific accommodations and services for protecting the environment and enjoyment by the public. The purpose of the Boating Infrastructure Grant Program (BIG) is to assist States in addressing the need for more and better facilities to accommodate these boaters. A recent economic study conducted by the U.S. Fish and Wildlife Service (Service) estimates the annual positive impact of the BIG Program in 2009 to be \$34.28 million. This impact reflects the availability of the grants themselves as well as the jobs created to construct facilities, increased boater traffic, positive economic impact due to more and easily accessible facilities, overall improvement to the infrastructure of boating-access facilities, and connections to communities throughout the United States.

Testimony at a congressional hearing in February 1997 introduced awareness of the need for more and better boating access and facilities for recreational boats at least 26 feet long that owners put into the water for a season and travel from place to place. The testimony and further research indicated too few, inadequate, or poorly located facilities available to allow these boaters to travel the United States navigable waters and access amenities such as dock space, restrooms, showers, fuel, pumpouts, and harbors of safe refuge, and to link boaters to cultural, historic, scenic, and natural resources of the United States.

The Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1) amended the Dingell-Johnson Sport Fish Restoration Act. This amendment established a Federal grant program to States for developing and maintaining facilities for transient nontrailerable recreational vessels at least 26 feet long. These vessels must be operated primarily for pleasure or leased, rented, or chartered to another for the latter's pleasure. The priorities in awarding grants are constructing, renovating, and maintaining facilities; providing for public and private partnership efforts to develop, maintain, and operate facilities; and including new and emerging techniques, ideas, products, and concepts to increase and improve facilities and services.

The Service's Wildlife and Sport Fish Restoration (WSFR) Program and the partnerships it has fostered manage

multiple grant programs. Among them is BIG, which offers grants to States to build facilities for eligible transient recreational vessels that support boating, travel, local economies, and environmental improvement, and enhance awareness and public satisfaction.

The Service published the BIG final rule in the **Federal Register** [66 FR 5282] on January 18, 2001. The Catalog of Federal Domestic Assistance (CFDA) describes the program at 15.622.

In 2003, the Director of the Service asked the Sport Fishing and Boating Partnership Council (Council), an advisory group established according to the requirements of the Federal Advisory Committee Act (FACA), to undertake a review of BIG and offer recommendations for improvement. The Council issued its report in June 2005 and offered recommendations for improvement in program administration; project application, review and selection; awareness and participation; and project execution and reporting. We have considered the issues and recommendations identified in the Council report. This proposed rule includes changes based on our response to advice offered by the Council.

We propose to incorporate changes to the rule based on Service Manual chapter 522 FW 16, "Preagreement Costs," Oct. 13, 2005. The chapter establishes conditions under which a grantee may incur costs before the grant start date. It incorporates recommendations of a joint task force of Federal and State officials.

We will make changes to the rule based on Public Law 111–274, "Plain Writing Act of 2010" (October 13, 2010). This Act requires that we use plain language in all proposed and final rulemaking documents published in the **Federal Register**.

The Sportfishing and Boating Safety Act of 1998 required the Service to develop a National Framework for States to collect information on existing facilities and the current state of boating that would allow the Service and States to develop a strategy to address areas of need. States were to complete a survey, based on the National Framework, and the Service would use the information to develop a Comprehensive National Assessment. The Secretary of the Interior adopted the National Framework for Survey of Boating Access Needs through a **Federal Register** notice [65 FR 58284] on September 28, 2000. The Service proposal to implement the survey allowed States to collect data through several methods and allowed States to choose the method they used.

The Office of Management and Budget (OMB) rejected the proposal, citing concerns that the variety of data collection methods would result in the inability of the Service to compile all of the States' information consistently. Funding constraints have prevented the Service from developing standardized collection methods and reporting of this information for States. The current rule contains detailed information for implementing the survey and reporting. We propose to remove these sections from the proposed rule. We will give guidance for the National Framework, State survey, and Comprehensive National Assessment in the future should the Service receive the resources needed to pursue the project.

The current rule contains criteria allowing projects to receive points for completing a State survey based on the National Framework. As we propose to remove all references to the National Framework and State survey, we also propose to remove the criterion allowing projects to receive points for completing a survey. We propose other changes to the ranking criteria for competitive grants based on Service experience and recommendations from participants, interested parties, and Service staff.

Updates to the Regulation

We arrange the sections of the proposed rule into subparts of related subject matter. The gaps in section numbers between each subpart allow us to add new sections in the future. We summarize the changes in the proposed rule by section or by group of sections, and cross-reference proposed section numbers to the corresponding numbers in the current version of 50 CFR part 86 as published in the **Federal Register** [66 FR 5282] on January 18, 2001. We refer to the 2001 version of 50 CFR part 86 when we use the term "current" before a section number or before a reference to 50 CFR part 86. Where we change the format, wording, or both, of a section or topic, but do not change the content in a major way, we indicate that we make no significant changes.

We include new terms in the definitions to make the rule easier to read and understand. We change some definitions in the current rule to clarify the meanings. We divide the rule into more subparts and sections to clarify program details.

We remove all references to "framework," "boat access survey," "State plans," or any other terms or activities found in the current "Subpart J—Service Completion of the National Framework," "Subpart K—How States Will Complete Access Needs Surveys,"

“Subpart L—Completing the Comprehensive National Assessment,” and “Subpart M—How States Will Complete the State Program Plans.” We do not have OMB approval or funding to implement the framework, surveys, assessment, or plans as published in the **Federal Register** [67 FR 744–755] on January 7, 2002. We will publish guidance on these topics when the Service has the resources and approval to implement.

Subpart A—General

Section 86.1 What does this part do?

This proposed section corresponds to the current § 86.10. We remove references to both the boat access survey and State plans. We introduce two new terms, “BIG Basic” to replace “Tier 1”, and “BIG Competitive” to replace “Tier 2” for identifying the available grant award types.

Section 86.2 What is the purpose of BIG?

This proposed section corresponds to the current § 86.11. We make no significant changes.

Section 86.3 What terms do I need to know?

This proposed section corresponds to the current § 86.12. We give definitions for terms as they apply to BIG that improve reader understanding of the program and our administration of it. The proposed section defines the following terms that are not in the corresponding “Definitions” section of 86.12: BIG-funded facility, Capital improvement, Director, Eligible user, Eligible vessel, Facility, Match, Real property, Regional Office, Scope, Service, and Useful life. We introduce the terms “BIG-funded facility” and “Facility” to differentiate between the components of a facility that receive BIG funding and to which this part applies, from the rest of the facility. We define “Capital improvement” and apply the term to explain useful life, the Federal interest in property, and information to include in the BIG grant application. We introduce the terms “Eligible vessel” and “Eligible user” so that we do not repeat the term “transient nontrailerable recreational vessel at least 26 feet long” throughout the rule. We use “Useful life” to tell applicants how to follow guidance in the rule that shows the responsibilities of grantees to maintain a BIG-funded facility.

We propose to move the section on “Boating infrastructure” from the current § 86.13 and include it as a term in this section. We expand the term

“Construction” to include all applicable phases of construction.

We remove the terms: Proposal, Recreational waters, Survey instrument, and Tie-up facilities. We include the information for what is in a “Proposal” in the proposed § 86.41 “How do you apply for a grant?”. We do not need the terms “Recreational waters” and “Survey instrument” because we do not use them in the rule. We remove the term “tie-up facilities” because the term is too restrictive and does not reflect all the eligible activities in BIG.

Subpart B—Program Eligibility

This proposed subpart does not have a corresponding subpart in the current regulations. We use this subpart to tell grantees and the public what the basic program requirements are. This subpart lays a foundation for the subparts that follow. We indicate where we relocate current sections to this new subpart. We incorporate and expand the current § 86.15 throughout the subpart.

Section 86.10 Who may apply for a BIG grant?

This proposed section corresponds to the current § 86.14. We make no significant changes.

Section 86.11 What activities are eligible for funding?

This proposed section corresponds to the current § 86.20. The section lists only eligible activities. We discuss design features at § 86.13. We propose to add to the list of eligible activities those services, equipment, and structures that: (a) Support clean boating and good environmental practices and (b) make boating infrastructure more convenient for eligible users.

The Act requires that we consider as a priority those projects that propose “innovative ways to increase the availability of facilities.” We propose new language to allow flexibility so that we may approve other activities in the future that consider new ideas and technologies, promote environmental stewardship and awareness, and benefit the mission of BIG. We explain some eligible activities in general terms to allow for growth of the program based on our knowledge and judgment year to year.

Section 86.12 What construction and services does boating infrastructure include?

This proposed section corresponds to the current § 86.13. We remove the term “Safe harbor” from this section and the rule as a whole. The public now commonly uses the term to define business or financial situations that

have no connection to boating and are not applicable to the BIG rule. Where we refer to a place of safety for boaters in the proposed rule, we use the term “Harbor of safe refuge.”

Section 86.13 What design features must a BIG-funded facility have?

We separate the design criteria from the current § 86.20 to clarify the differences between eligible activities and required design features. All eligible activities must include the required design features, but not all design features are eligible activities. BIG facilities cater to larger boats that contain Marine Sanitation Devices that may require a pumpout, so pumpout service is an integral part of a BIG-funded project. However, we will consider waiving the requirement for a pumpout if: (a) The BIG-funded facility is in an area that does not have existing utilities to operate a pumpout, (b) the applicant can demonstrate it is not feasible to install, or (c) there are legal restrictions that do not allow septic-waste collection facilities in an area. If we waive the requirement to provide a pumpout facility, we will require that the grantee post a sign telling boaters they must hold and dispose of waste properly and indicate where the nearest pumpout or pumpouts are located.

Section 86.14 How can I receive BIG funds for maintenance?

We add this new proposed section to tell applicants how they can receive BIG funds for maintenance. BIG Competitive grants are primarily for construction projects, and grantees must receive funds with the understanding that they are responsible for the continued maintenance of the BIG-funded facility for the useful life of the project. Grantees may propose to include maintenance activities during construction that support the eligible project, such as painting the existing transient docks, replacing worn planks, or overhauling the fuel dock. Applicants may request BIG Basic funding for eligible maintenance at any BIG-eligible facility any time in the life of the project.

Section 86.15 How can dredging qualify as an eligible activity?

We add this new proposed section to expand on how grantees may use BIG funding for dredging projects. The primary purpose of BIG is to construct, renovate, or maintain facilities for eligible users, but sometimes dredging is necessary to provide access to eligible users. We establish a funding limit for dredging of no more than 10 percent of the total BIG-funded project, which

includes the Federal grant and match. This limit applies to all activities directly related to dredging. Grantees may pay for additional costs through other funding sources, but they may not use their excess contribution toward any other BIG matching requirements. We limit funding for dredging because it does not produce additional slips or amenities.

Section 86.16 What activities are ineligible for BIG funding?

This proposed section corresponds to the current § 86.21. We list ineligible activities and we give other requirements at § 86.16(a)(9) and (b), without which we will consider a project or activity ineligible. We remove references to plans and surveys. We remove the 20-year useful-life requirement from the current section and discuss useful-life requirements at §§ 86.74 and 86.75. We designate as ineligible activities: acquiring land; constructing retail businesses, parking lots, or roads; administering or managing the facility; and purchasing or operating boats to transport boaters.

Section 86.17 Who must own the site of a BIG-funded facility?

This proposed section does not have a corresponding section in the current regulations. We add it to emphasize the information in the current § 86.20 that allows projects on publicly or privately owned properties.

Section 86.18 How can I ensure that BIG-funded projects continue to serve their intended purpose for their useful life?

This proposed section does not have a corresponding section in the current regulations. We add this section to tell grantees that they must apply best standards when constructing a project and follow requirements to protect the State and Federal interest in the BIG-funded project.

We affirm the obligation of States to record, or ensure that subgrantees record, the Federal interest in a BIG project and require notice of certain changes that may occur at the project location during its useful life.

Section 86.19 What if a project would benefit both eligible and ineligible users?

This proposed section corresponds to the current § 86.44(b). We tell a grantee how to assign costs to the BIG-funded project when components of the project may also include ineligible costs or benefits.

Subpart C—Federal Funds and Match

We remove references to specific-year funding and dates specific to the grant cycle. We will publish annual funding and date information in the annual Request for Applications (RFA).

Section 86.30 What is the source of BIG funds?

We add this new section to inform the public of the source of funds for BIG and emphasize the participation of anglers and boaters in supporting the Sport Fish Restoration and Boating Trust Fund.

Section 86.31 How does the Service know how much money will be available for BIG grants each year?

This proposed section replaces the current § 86.40 and § 86.41 in general terms. We discuss the process rather than specific amounts.

Section 86.32 What are the match requirements?

This proposed section corresponds to the current § 86.42. We add that grantees must not use land or any interest in land for match to emphasize that BIG grants are for boating infrastructure and not land acquisition. States have access to other Federal grants to buy land for boating access. We do not allow using the value of existing structures as match in a BIG project to avoid subsidizing existing facilities.

Section 86.33 What information must I provide on match commitments and where do I provide it?

This proposed section does not have a corresponding section in the current regulations. We explain how grantees must show match and match commitments in an application. This will allow reviewers to evaluate the source and value of matching funds more consistently.

Section 86.34 What if a partner is not willing or able to follow through on a match commitment?

This proposed section does not have a corresponding section in the current regulations. Match is often associated with partnerships. We consider partnerships as part of the scoring criteria. We include this section to tell applicants how changes in contributions provided by a partner may affect their applications. We emphasize the responsibility of the grantee to provide the match should the providing partner not be able or willing to fulfill their commitment. This section also emphasizes the importance of making

sure that partners' commitments are reliable.

Subpart D—Application for a Grant

We remove the current § 86.50 and § 86.51 that give dates and specific contacts for sending in grant applications. We will provide this information in the annual RFA.

Section 86.40 What are the differences between BIG Basic grants and BIG Competitive grants?

This proposed section replaces the current § 86.53, replaces some of the information in the current § 86.54, and presents the information in table form. We introduce new funding limits. BIG Basic grants will have an annual minimum award of \$100,000 per State, but the minimum award may increase depending on available annual funds. We will announce the maximum award in each RFA. We will limit BIG Competitive grants to \$1.5 million to allow us to fund more projects. To date, less than 5 percent of the BIG Competitive projects have exceeded \$1.5 million in Federal funds.

Section 86.41 How do I apply for a grant?

This proposed section includes topics discussed in the current § 86.51. We remove addresses for the Regional Offices and direct the public to <http://www.grants.gov> and the annual RFA for detailed contact information.

Section 86.42 What do I have to include in an application?

This proposed section corresponds to the current § 86.52. We include general information and refer applicants to <http://www.grants.gov> and the annual RFA for more guidance.

Section 86.43 What information must I put in the project statement?

This proposed section does not have a corresponding section in the current regulations. We add this section to improve consistency of information included in applications, to enable the review and ranking of applications, and to clarify OMB Circular A-102, "Grants and Cooperative Agreements with State and Local Governments."

Section 86.44 What other documents and information must I include in a grant application?

We propose this new section to describe the need for BIG competitive grant applicants to address ranking criteria and provide maps and drawings to support the proposed project. The section also emphasizes the requirement

at the proposed § 86.33 for commitment letters from partners providing match.

Section 86.45 What if my BIG Competitive project needs more than the awarded Federal share and required match to complete?

We propose this new section to inform applicants how to apply for funding if they plan a project that will require more than the \$1.5 million Federal share and the required match to complete. We emphasize that each BIG Competitive grant application must be a discrete project that meets all grant criteria without considering any other BIG grant applications. All BIG Competitive grants will compete equally with all other grant applications, and we will not give preference to an application based on its connection to another application. If one project cannot be completed or be successful without the other, we will either reject it or assign it a low score. States may use BIG Basic funds to assist projects that have received BIG Competitive funds, or to complete portions of projects over several years.

Section 86.46 If the Service does not select my application for funding, can I apply for the same project the following year?

We propose this new section to clarify that if you are unsuccessful in receiving a grant for a BIG grant one year, you may reapply in following years.

Section 86.47 What changes can I make in an application after I submit it?

We propose this new section to emphasize the responsibility of the applicant to submit a complete application by the due date. We give details that set clear standards and help avoid any unfair interpretation in this national program.

Subpart E—Project Selection

This subpart corresponds to the current Subpart F—How the Service Selects Projects to Receive Grants.

We propose sections 86.52–86.58 to explain the criteria at section 86.51. This will help applicants and the public understand how we view each ranking criterion.

Section 86.50 Who ranks BIG competitive applications?

This proposed section corresponds to the current § 86.61 with no significant changes.

Section 86.51 What criteria does the Service use to evaluate BIG Competitive applications?

This proposed section corresponds to the current § 86.60. We change the scoring criteria to correspond to the three priorities Congress established in the original Act. We also change the scoring system to a sliding scale for each criterion. We base this change on experience administering BIG and advice from States, a Federal advisory committee, and boating-related organizations. The current rule does not consistently allow sliding scales, and reviewers often must score projects using set points that can negatively affect accurate assessment of projects. For one current criterion, applicants must receive at least 1 point even if the criterion does not apply to their project or they do not address it in the application. This change allows ranking committee members to consider the need, value, significance, and benefit when scoring the project. We adjust the criterion in the current rule that gives preference to projects at existing marinas to give projects at new locations the ability to rank well. We continue to emphasize partnerships but expand the criteria in response to recommendations that asked us to consider the nonmonetary value of a partner as well as the monetary contributions. The proposed criteria allow for partnerships in small communities to rank well even if they do not result in large financial contributions. We also set new standards for innovation. The intent is to allow reviewers the flexibility to judge applications based on new technologies and techniques each year, and to consider different standards for innovation year-to-year, based on knowledge and availability at the time of the review.

Section 86.52 What does the Service consider when evaluating a project under the criterion at § 86.51(a)(1) on the need for more or improved boating infrastructure?

We propose to emphasize that projects must show a need for new or expanded facilities. We wish to avoid funding projects in areas that have sufficient capacity or where eligible boaters are unlikely to travel.

Section 86.53 What does the Service consider when evaluating a project under the criterion at § 86.51(a)(2) on boater access to significant destinations and services that support transient boater travel?

We propose to consider not only a destination that is likely to attract

boaters, but also access from the BIG-funded facility and how long the attraction is available. We expand this section to include the need for services that help transient boaters. A significant destination, such as a national park or entertainment attraction, may entice boaters, but if they cannot refuel, stock up on provisions, and take care of basic needs, then it is unlikely they will go there.

Section 86.54 What does the Service consider under the criterion at § 86.51(a)(3) on cost-benefit analysis?

We propose to expand on the current criterion (5) that requires a project to be cost-effective. The current criterion requires a cost-per-slip analysis that favors construction in an existing marina or area. We modify this criterion to allow reviewers to look at the cost of a project in relation to the benefit received. This will allow a project that costs more per slip because it is new, but is in an area of great need, to rank well against a project that costs less per slip, but offers less benefit.

Section 86.55 What does the Service consider when evaluating a project under the criterion for partners at § 86.51(b)(1)?

We propose to show what applicants must include in their applications to receive points for partners. Applicants must verify the commitment of all partners, including subgrantees, by a signed letter that includes details of the partnership. States, as applicants, are not partners. Governmental entities are partners only if they contribute to the project more than required by legal mandate or administrative assignment. We will allow various types of partners and consider contributions other than monetary.

Section 86.56 What does the Service consider when evaluating a project under the criterion for match at § 86.51(b)(2)?

We propose to allow applicants to receive additional points if they or their partners contribute more than the minimum 25-percent matching share. This is similar to the current § 86.60(b)(4), but has a sliding scale instead of the set breakdown of points.

Section 86.57 What does the Service consider when evaluating a project for improving or maintaining the quality of the local environment under the criterion at § 86.51(c)(1)?

We propose this new criterion for projects that include components that improve the local environment or mitigate the impacts of the project.

Examples are when applicants propose to:

1. Design or renovate docks to allow more sunlight to pass through, thus benefitting a local fish or plant habitat;
2. Include a structure in the dock system to nurture juvenile aquatic life to be released into the larger area; or
3. Renovate a fuel dock to prevent spills.

Section 86.58 What does the Service consider when evaluating a project for environmental sustainability under the criterion at § 86.51(c)(2)?

We propose this new criterion to encourage using new technologies and techniques, environmentally sound best-management practices, and education to produce a project that supports the overall mission of BIG and the Service.

Section 86.59 What happens after the Director approves projects for funding?

This proposed section corresponds to the current § 86.62, but we give further detail on requirements to obligate funding promptly.

Subpart F—Grant Administration

This proposed subpart corresponds to the current “Subpart G—How States Manage Grants.” We propose to include questions and answers to give grantees a better understanding of their responsibilities once they receive a BIG grant.

Section 86.70 What standards must I follow when constructing a BIG-funded facility?

We propose minimum standards for construction and a requirement that a licensed engineer or architect design construction.

Section 86.71 How much time do I have to complete the work funded by a BIG grant?

We propose to give a reasonable time frame to complete a BIG project with a baseline of 3 years from the beginning of the grant period. The intent of BIG is to award funds so that projects are completed and available for eligible boater use as soon as possible. However, sometimes there are delays beyond the control of the grantee, so we allow justified grant extensions. We include instructions for grant extensions at § 86.72.

Section 86.72 What if I cannot complete the project during the grant period?

We propose this new section to tell grantees how they may request an extension if their project is not

completed during the 3-year grant period. The proposed process allows for two 1-year extensions if grantees can document progress. We have included a possibility for further extensions under extreme conditions. We propose this process to encourage grantees to complete projects promptly.

Section 86.73 What if I need more funds to finish a project?

This proposed section corresponds to the current § 86.74. The current rule states that a grantee must compete in another grant cycle if it needs more funds. This suggests that an applicant does not have the responsibility to complete an awarded project as presented and could potentially set up a system where grantees might expect extra funding to finish projects they originally stated they could complete with requested funds. It also suggests that partial projects can successfully compete against full projects. BIG is a competitive program, and when we fund a project through BIG, we expect the grantee to complete the project as proposed. We reject applications that do not propose discrete projects. A grantee may not come back and request more BIG Competitive funds to complete the project. That would be unfair to applicants that competed unsuccessfully and unfair to grantees that completed their projects as proposed. Should the grantee need more money to complete the project, we expect the grantee to find another source of funding to complete the project. If that is not possible, the grantee may ask for a change in scope following our guidance.

Section 86.74 How long must I operate and maintain a BIG-funded facility, and who is responsible for the cost of operation and maintenance?

This proposed section corresponds to the second sentence of the current § 86.20(a)(1) and § 86.70(b). We propose that grantees maintain the BIG project for the useful life specified in the grant agreement instead of the 20 years in the current rule. We address how a catastrophic incident may affect useful life.

Section 86.75 How do I determine the useful life of a project?

This proposed section expands on the proposed § 86.74 and tells applicants what information to consider when they propose a useful life for their project in the grant application and how we will include the useful life in the grant agreement.

Section 86.76 How should I credit the BIG program?

This proposed section corresponds to the current §§ 86.91 and 86.94. We added a graphic of the Sport Fish Restoration logo in the proposed rule. Since the current rule was published, the Division of Federal Aid was renamed the Division of Wildlife and Sport Fish Restoration. We change recommended crediting language to reflect Sport Fish Restoration and BIG. We require that you must credit BIG for the funding.

Section 86.77 How can I use the logo for the BIG program?

This proposed section corresponds to the current §§ 86.91–86.93. We indicate where grantees and subgrantees may use the Sport Fish Restoration logo. We also state the consequences of unauthorized use.

Section 86.78 How must I treat program income?

This proposed new section gives the circumstances where program income requirements would apply to a BIG grant.

Section 86.79 How must I treat income earned after the grant period?

This proposed new section clarifies the requirements for income earned after the grant period.

Subpart G—Facility Operations and Maintenance

This subpart tells grantees, subgrantees, and operators how a BIG-funded facility must be operated and maintained.

Section 86.90 How much must an operator of a BIG-funded facility charge for using the facility?

This proposed section corresponds to the current § 86.31. According to OMB Circular A–102, “Grants and Cooperative Agreements with State and Local Governments,” grantees must not use grant-acquired assets to compete unfairly with the private sector. It is unacceptable for grantees to make money using grant funds by charging more than the local market. This section tells grantees: (a) How to propose reasonable fees for BIG-funded projects and (b) that they must include this information in the grant application.

Section 86.91 May an operator of a BIG-funded facility increase or decrease user fees during the useful life of the BIG-funded project?

This proposed new section does not correspond to a current section. It allows the operator of a BIG-funded

project to increase or decrease fees after the grant period based on changes in the local market.

Section 86.92 May an operator of a BIG-funded facility limit public access?

This proposed section corresponds to the current § 86.21(a) and § 86.30. We propose no significant changes to the public access requirements. We add a paragraph that allows an operator to limit access temporarily for emergency or other reasonable purposes.

Section 86.93 May I prohibit overnight use by eligible vessels at a BIG-funded facility?

This proposed section corresponds in part to the current §§ 86.13(b) and 86.20(a)(5)(ii), which discuss day docks as an eligible activity under BIG. This section allows BIG-funded facilities to be for day use only if proposed in the application.

Section 86.94 Do I have to include informational signs for eligible users at BIG-funded facilities?

This proposed section corresponds to the current § 86.90 with no significant changes.

Subpart H—Revisions and Appeals

Section 86.100 Can I change the information in an application after I receive a grant?

We propose this new section to inform grantees of the conditions that apply to postaward changes of information in an application.

Section 86.101 How do I ask for a revision of a grant?

We propose this new section to supplement § 86.100.

Section 86.102 Can I appeal a decision?

This proposed section corresponds to the current § 86.63. There are no significant changes, but we include additional guidance.

Section 86.103 Can the Director authorize an exception to this part?

This proposed section is new. It supports the authority of the Director to make exceptions to this rule.

Subpart I—Information Collection

Section 86.110 What are the information-collection requirements of this part?

This proposed section corresponds to the current § 86.52 and “Subpart H—Reporting Requirements for the States.” The proposed section is more general than the current section to allow this

regulation to stay current if the frequency and level of reporting change.

Public Comments

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. Finally, we will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

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 information from public view, we cannot guarantee that we will be able to do so.

Required Determinations

Clarity of This Regulation

We are required by Executive Orders 12866 and 12988 and by Public Law 111–274, “Plain Writing Act of 2010” (October 13, 2010), to write all rules in plain language. This means that each rule we publish must:

- a. Be logically organized;
- b. Use the active voice to address readers directly;
- c. Use clear language rather than jargon;
- d. Be divided into short sections and sentences; and
- e. Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (E.O. 12866)

OMB has determined that this rule is not significant and has not reviewed this rule under E.O. 12866. OMB bases its determination on the following four criteria:

- a. Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

b. Whether the rule will create inconsistencies with other Federal agencies’ actions.

c. Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of recipients.

d. Whether the rule raises novel legal or policy issues.

Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

The Regulatory Flexibility Act requires an agency to consider the impact of proposed rules on small entities, i.e., small businesses, small organizations, and small government jurisdictions. If there is a significant economic impact on a substantial number of small entities, the agency must perform a Regulatory Flexibility Analysis. This is not required if the head of an agency certifies the rule would not have a significant economic impact on a substantial number of small entities. The Small Business Regulatory Enforcement Fairness Act (SBREFA) amended the Regulatory Flexibility Act to require Federal agencies to state the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

We have examined this proposed rule’s potential effects on small entities as required by the Regulatory Flexibility Act. We have determined that the proposed changes do not have a significant impact and do not require a Regulatory Flexibility Analysis because the changes:

- a. Give information to State fish and wildlife agencies that allows them to apply for and administer grants more easily, more efficiently, and with greater flexibility. Only State fish and wildlife agencies may receive grants in BIG, but small entities sometimes voluntarily become subgrantees of agencies. Any impact on these subgrantees would be beneficial.

b. Address changes in law and regulation. This helps grant applicants and recipients by making the regulation consistent with current standards. Any impact on small entities that voluntarily become subgrantees of agencies would be beneficial.

c. Reword and reorganize the regulation to make it easier to understand. Any impact on the small entities that voluntarily become subgrantees of agencies would be beneficial.

The Service has determined that the changes primarily affect State governments. The small entities affected by the changes are primarily concessioners and subgrantees that

voluntarily enter into mutually beneficial relationships with an agency. The impact on small entities would be very limited and beneficial in all cases.

Consequently, we certify that because this proposed rule would not have a significant economic effect on a substantial number of small entities, a Regulatory Flexibility Analysis is not required.

In addition, this proposed rule is not a major rule under SBREFA (5 U.S.C. 804(2)) and would not have a significant impact on a substantial number of small entities because it does not:

- a. Have an annual effect on the economy of \$100 million or more.
- b. Cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions.
- c. Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. Ch. 25; Pub. L. 104-4) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. The Act requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of a proposed rule with Federal mandates that may result in the expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any 1 year. We have determined the following under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

- a. As discussed in the determination for the Regulatory Flexibility Act, this proposed rule would not have a significant economic effect on a substantial number of small entities.
- b. The regulation does not require a small government agency plan or any other requirement for expenditure of local funds.
- c. The programs governed by the current regulations and enhanced by the proposed changes potentially assist small governments financially when they occasionally and voluntarily participate as subgrantees of an eligible agency.
- d. The proposed rule clarifies and enhances the current regulations allowing State, local, and tribal governments and the private sector to receive the benefits of grant funding in

a more flexible, efficient, and effective manner.

e. Any costs incurred by a State, local, or tribal government or the private sector are voluntary. There are no mandated costs associated with the proposed rule.

f. The benefits of grant funding outweigh the costs. The Federal Government provides up to 75 percent of the cost of each grant to the 50 States affected by the proposed rule. The Federal Government will also waive the first \$200,000 of match for each grant to the Commonwealth of the Northern Mariana Islands and the territories of Guam, the U.S. Virgin Islands, and American Samoa. Of the 50 States and 6 other jurisdictions that voluntarily are eligible to apply for grants in these programs each year, 95 percent have participated. This is clear evidence that the benefits of this grant funding outweigh the costs.

g. This proposed rule would not produce a Federal mandate of \$100 million or greater in any year, i.e., it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

Takings

This proposed rule would not have significant takings implications under E.O. 12630 because it would not have a provision for taking private property. Therefore, a takings implication assessment is not required.

Federalism

This proposed rule would not have sufficient Federalism effects to warrant preparation of a Federalism assessment under E.O. 13132. It would not interfere with the States' ability to manage themselves or their funds. We work closely with the States in administration of these programs, and they helped us identify those sections of the current regulations in need of change and new issues in need of clarification through regulation. In drafting the proposed rule, we received comments from the Sport Fishing and Boating Partnership Council, a nongovernment committee established under FACA; the States Organization for Boating Access; the Joint Federal/State Task Force on Federal Assistance Policy; and individual States.

Civil Justice Reform

The Office of the Solicitor has determined under E.O. 12988 that the rule would not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. The proposed rule will benefit grantees because it:

a. Updates the regulations to reflect changes in policy and practice and recommendations received during the past 10 years;

b. Makes the regulations easier to use and understand by improving the organization and using plain language;

c. Modifies the final rule to amend 50 CFR 86 published in the **Federal Register** at 66 FR 5282 on January 18, 2001, based on subsequent experience; and

d. Adopts recommendations on new issues received from State fish and wildlife agencies and the Sport Fishing and Boating Partnership Council since we published the current rule.

Paperwork Reduction Act

We examined the proposed rule under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and there are no new collections of information that require OMB approval. The proposed 50 CFR part 86 describes the Boating Infrastructure Grant Program, including application and reporting requirements.

OMB has approved Governmentwide standard forms for: (a) Grant applications (OMB Control No. 4040-0004); (b) certifications related to authority, capability, and legal compliance (OMB Control Numbers 4040-0007 and 4040-0009); (c) reports on the status of Federal grant funds and any program income earned (OMB Control Number 0348-0061); and (d) reports on real property status and requests for agency instructions on real property (OMB Control Number 3090-0296).

In addition to the above, OMB approved the following information collection requirements associated with the BIG Program: (a) Project statement in support of a grant application, (b) report on progress in completing a grant-funded project, and (c) request to approve an update or another change in information provided in a previously approved application (OMB Control Number 1018-0109).

We may not collect or sponsor and you are not required to respond to a collection of information unless it displays a current OMB control number.

National Environmental Policy Act

We have analyzed this rule under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* and part 516 of the Departmental Manual. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement/assessment is not required due to the categorical exclusion for administrative changes provided at 516 DM 8.5A(3).

Government-to-Government Relationship With Tribes

We have evaluated potential effects on federally recognized Indian tribes under the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), E.O. 13175, and 512 DM 2. We have determined that there are no potential effects. This proposed rule would not interfere with the tribes' ability to manage themselves or their funds.

Energy Supply, Distribution, or Use (E.O. 13211)

E.O. 13211 addresses regulations that significantly affect energy supply, distribution, and use, and requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule is not a significant regulatory action under E.O. 12866 and does not affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

List of Subjects in 50 CFR Part 86

Administrative practice and procedure, Boats and Boating Safety, Fishing, Grants administration, Grant programs, Harbors, Intermodal transportation, Marine resources, Natural resources, Navigation (water), Recreation and recreation areas, Reporting and recordkeeping requirements, Rivers, Signs and symbols, Vessels, Water resources, Waterways.

Proposed Regulation Promulgation

For the reasons discussed in the preamble, we propose to amend title 50 of the Code of Federal Regulations, chapter I, subchapter F, by revising part 86 to read as follows:

PART 86—BOATING INFRASTRUCTURE GRANT PROGRAM

Subpart A—General

Sec.

- 86.1 What does this part do?
- 86.2 What is the purpose of BIG?
- 86.3 What terms do I need to know?

Subpart B—Program Eligibility

- 86.10 Who may apply for a BIG grant?
- 86.11 What activities are eligible for funding?
- 86.12 What construction and services does boating infrastructure include?
- 86.13 What design features must a BIG-funded facility have?
- 86.14 How can I receive BIG funds for maintenance?
- 86.15 How can dredging qualify as an eligible activity?

- 86.16 What activities are ineligible for BIG funding?
- 86.17 Who must own the site of a BIG-funded facility?
- 86.18 How can I ensure that BIG-funded projects continue to serve their intended purpose for their useful life?
- 86.19 What if a project would benefit both eligible and ineligible users?

Subpart C—Federal Funds and Match

- 86.30 What is the source of BIG funds?
- 86.31 How does the Service know how much money will be available for BIG grants each year?
- 86.32 What are the match requirements?
- 86.33 What information must I provide on match commitments and where do I provide it?
- 86.34 What if a partner is not willing or able to follow through on a match commitment?

Subpart D—Application for a Grant

- 86.40 What are the differences between BIG Basic grants and BIG Competitive grants?
- 86.41 How do I apply for a grant?
- 86.42 What do I have to include in an application?
- 86.43 What information must I put in the project statement?
- 86.44 What other documents and information must I include in a grant application?
- 86.45 What if my BIG project needs more than the awarded Federal share and required match to complete?
- 86.46 If the Service does not select my application for funding, can I apply for the same project the following year?
- 86.47 What changes can I make in an application after I submit it?

Subpart E—Project Selection

- 86.50 Who ranks BIG Competitive applications?
- 86.51 What criteria does the Service use to evaluate BIG Competitive applications?
- 86.52 What does the Service consider when evaluating a project on the need for more or improved boating infrastructure?
- 86.53 What does the Service consider when evaluating a project on boater access to significant destinations and services that support transient boater travel?
- 86.54 What does the Service consider on benefits to eligible users that justify the cost of the project?
- 86.55 What does the Service consider when evaluating a project for partnerships?
- 86.56 What does the Service consider when evaluating a project that includes greater than the minimum match?
- 86.57 What does the Service consider when evaluating a project for improving or maintaining the quality of the local environment?
- 86.58 What does the Service consider when evaluating a project for environmental sustainability?
- 86.59 What happens after the Director approves projects for funding?

Subpart F—Grant Administration

- 86.70 What standards must I follow when constructing a BIG-funded facility?

- 86.71 How much time do I have to complete the work funded by a BIG grant?
- 86.72 What if I cannot complete the project during the grant period?
- 86.73 What if I need more funds to finish a project?
- 86.74 How long must I operate and maintain a BIG-funded facility, and who is responsible for the cost of operation and maintenance?
- 86.75 How do I determine the useful life of a project?
- 86.76 How should I credit the BIG program?
- 86.77 How can I use the logo for the BIG program?
- 86.78 How must I treat program income?
- 86.79 How must I treat income earned after the grant period?

Subpart G—Facility Operations and Maintenance

- 86.90 How much must an operator of a BIG-funded facility charge for using the facility?
- 86.91 May an operator of a BIG-funded facility increase or decrease user fees during the useful life of the BIG-funded project?
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Subpart H—Revisions and Appeals

- 86.100 Can I change the information in an application after I receive a grant?
- 86.101 How do I ask for a revision of a grant?
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- 86.103 Can the Director authorize an exception to this part?

Subpart I—Information Collection

- 86.110 What are the information-collection requirements of this part?

Authority: 16 U.S.C. 777c, g, and g–1.

Subpart A—General

§ 86.1 What does this part do?

(a) This part of the Code of Federal Regulations tells States how they may apply for and receive grants from the Boating Infrastructure Grant program (BIG) Basic and Competitive subprograms. The differences between these two subprograms are described at § 86.40.

(b) The terms *you* and *your* refer to a State agency that applies for or receives a BIG grant. *You* may also apply to a subgrantee with which a State agency has a formal agreement to construct, operate, or maintain a project.

(c) The terms *we*, *us*, and *our* refer to the U.S. Fish and Wildlife Service.

§ 86.2 What is the purpose of BIG?

The purpose of BIG is to:

- (a) Construct, renovate, and maintain boating infrastructure facilities for

transient recreational vessels at least 26 feet long; and

(b) Produce and distribute information and educational materials about BIG-funded boating infrastructure facilities.

§ 86.3 What terms do I need to know?

For the purposes of this part, we define these terms:

BIG-funded facility means only the part of a facility that we fund through a BIG grant.

Boating infrastructure means all of the structures, equipment, accessories, and services that are necessary or desirable for a facility to accommodate eligible vessels.

Capital improvement means:

(1) A new structure that costs at least \$25,000 to build; or

(2) Altering, renovating, or repairing an existing structure if it increases the structure's useful life by 10 years or if it costs at least \$25,000.

Construction means the act of building or significantly altering, renovating, or repairing a structure. Acquiring, clearing, and reshaping land and demolishing structures are types or phases of construction. Examples of structures are buildings, docks, piers, breakwaters, and slips.

Director means:

(1) The person whom the Secretary of the Interior:

(i) Appointed as the chief executive official of the U.S. Fish and Wildlife Service; and

(ii) Delegated authority to administer BIG nationally; or

(2) A deputy or another person who exercises the Director's Servicewide authority.

Eligible user means an operator or passenger of an eligible vessel.

Eligible vessel means a transient recreational vessel at least 26 feet long. The term includes vessels that are owned, loaned, rented, or chartered. The term does not include commercial vessels that dock or operate from a permanent location or that routinely transport passengers on a prescribed route, such as cruise ships, dive boats, and ferries.

Facility means the structures, equipment, and operations that:

(1) Provide services to boaters at one location; and

(2) Are under the control of a single operator or business identified in the project application.

Grant means an award of money, the principal purpose of which is to transfer funds from a Federal agency to a grantee to support or stimulate an authorized public purpose and includes the matching cash and any matching in-kind contributions.

Maintenance means keeping structures or equipment in a condition to serve the intended purpose. It does not include routine activities such as janitorial work.

Match means the portion of the costs of a grant-funded project or projects not borne by the Federal Government, unless a Federal statute authorizes such match, including the value of any in-kind contributions.

Navigable waters means waters that are deep and wide enough for the passage of eligible vessels.

Operation means activities that allow a project or parts of a project to perform their function on a daily basis.

Project means one or more related activities that are eligible for BIG funding and, in the case of a construction project, occur at only one facility.

Real property means one, several, or all interests, benefits, and rights inherent in owning a parcel of land or water and includes anything physically and firmly attached to it by natural or human action. Examples of real property include fee and leasehold interests, easements, fixed docks, piers, breakwaters, buildings, utilities, and fences.

Regional Office means the main administrative office of one of the Service's geographic Regions in which a BIG-funded project is located. Each Regional Office has a:

(1) *Regional Director* appointed by the Director to be the chief executive official of the Region and authorized to administer Service activities in the Region, except for those handled directly by the Service's Washington Office; and

(2) *Division of Wildlife and Sport Fish Restoration (WSFR)* or its equivalent that administers BIG grants.

Renovate means to rehabilitate all or part of a facility to restore it to its intended purpose or to expand its purpose to allow use by eligible vessels or eligible users.

Scope of a project means the purpose, objectives, approach, and results or benefits expected including the useful life of any capital improvement.

Service means the U.S. Fish and Wildlife Service.

State means any State of the United States, the Commonwealths of Puerto Rico and the Northern Mariana Islands, the District of Columbia, and the territories of Guam, the U.S. Virgin Islands, and American Samoa.

Transient means traveling through and staying at a single facility up to 10 days.

Useful life means the period during which a BIG-funded capital

improvement is capable of fulfilling its intended purpose with adequate routine maintenance. See §§ 86.74 and 86.75.

Subpart B—Program Eligibility

§ 86.10 Who may apply for a BIG grant?

One agency in each eligible State may apply for a BIG grant if authorized to do so by:

(a) A Statute or regulation of the eligible jurisdiction;

(b) The Governor of the State, Commonwealth, or territory; or

(c) The Mayor of the District of Columbia.

§ 86.11 What activities are eligible for funding?

(a) The following activities are eligible for BIG funding if they are for eligible users or eligible vessels:

(1) Construct, renovate, or maintain publicly or privately owned boating infrastructure (see § 86.12) following the requirements at § 86.13.

(2) Conduct activities necessary to construct boating infrastructure, such as:

(i) Engineering, economic, environmental, or feasibility studies or assessments; and

(ii) Planning, permitting, and contracting.

(3) Dredge a channel, boat basin, or other boat passage following the requirements at § 86.15.

(4) Install navigational aids to give transient vessels safe passage between a facility and navigable channels or open water.

(5) Offer services that support clean boating and good environmental practices at facilities.

(6) Produce information and educational materials such as charts, cruising guides, brochures, and public communication pertaining to specific activities or accomplishments of a BIG project or the BIG program.

(7) Administer BIG Statewide using BIG Basic grant awards, including coordinating and monitoring to ensure BIG-funded facilities are well constructed, meet project objectives, and serve the intended purpose for the useful life of the project.

(b) Other activities may qualify for BIG funding, subject to our approval, if they achieve the purposes of BIG as described at § 86.2.

§ 86.12 What construction and services does boating infrastructure include?

Boating infrastructure may include:

(a) Boat slips, piers, mooring buoys, floating docks, dinghy docks, day docks, and other structures for boats to tie-up and gain access to the shore or services.

(b) Fuel stations, restrooms, showers, utilities, and other amenities for transient-boater convenience.

(c) Lighting, communications, buoys, beacons, signals, markers, signs, and other means to support safe boating and provide information to assist boaters.

(d) Breakwaters, sea walls, and other physical improvements to allow an area to offer a harbor of safe refuge. A *harbor of safe refuge* is an area that gives eligible vessels protection from storms. The facility must offer a place to secure eligible vessels and provide access to provisions and communication for eligible users.

(e) Pumpouts, oil recycling, bilge-water cleaning, absorbent fuel collars, and other services and structures that support clean and safe boating.

§ 86.13 What design features must a BIG-funded facility have?

(a) At project completion, a BIG-funded facility must:

- (1) Be open to eligible users and operated and maintained for its intended purpose for its useful life;
- (2) Clearly designate eligible uses and inform the public of restrictions;
- (3) Offer security, safety, and service for eligible users and vessels;
- (4) Be accessible by eligible vessels on navigable waters;
- (5) Allow public access as described at § 86.92;
- (6) Have docking or mooring sites with water access at least 6 feet deep at the lowest tide or fluctuation; and
- (7) Have an operational pumpout station if:
 - (i) Eligible vessels stay overnight; and
 - (ii) Available pumpout service is not located within 2 nautical miles; or
 - (iii) State or local laws require one on site.

(b) We may waive the pumpout requirement if the grantee demonstrates that installing a pumpout would be a hardship due to lack of utilities or other difficult obstacles, or that State or local law does not allow septic-waste disposal facilities at the location.

(c) If we waive the pumpout requirement, the BIG-funded facility must post a sign that tells boaters:

- (1) The requirement to hold and dispose of septic waste; and
- (2) Where they can find the nearest pumpout station or stations.

86.14 How can I receive BIG funds for maintenance?

(a) For BIG Competitive and BIG Basic grants, you may request BIG funds for maintenance if the maintenance activities:

- (1) Are a one-time cost; and
- (2) Do not extend past the grant period.

(b) For BIG Basic grants, you may also request BIG funds for continued maintenance costs at BIG-eligible facilities.

(c) Facilities need not have received BIG funds in the past.

§ 86.15 How can dredging qualify as an eligible activity?

(a) Dredging can qualify as an eligible activity under the grant if the costs for the dredging-related activities do not exceed 10 percent of total BIG project costs.

(b) When the project is completed, the BIG-funded dredged area must:

- (1) Have navigable water at least 6 feet deep at lowest tide or fluctuation;
- (2) Allow safe, accessible navigation by eligible vessels to, from, and within the BIG-funded facility; and
- (3) Allow eligible vessels to dock safely and securely at transient slips.

(c) You must show in the application that:

- (1) Dredging is needed to fulfill the purpose and objectives of the proposed project; and
 - (2) You have divided the dredging costs equitably between the expected use by eligible vessels and ineligible vessels.
- (d) You must certify in the application that you have enough resources to maintain the dredged area at the approved width and depth for the useful life of the BIG-funded project.

§ 86.16 What activities are ineligible for BIG funding?

(a) These activities or costs are ineligible for BIG funding:

- (1) Law enforcement.
- (2) Direct administration and operation of the facility, such as salaries, utilities, and janitorial maintenance.
- (3) Developing a State plan to construct, renovate, or maintain boating infrastructure.

(4) Acquiring land or any interest in land.

(5) Constructing, renovating, or maintaining roads or parking lots.

(6) Constructing, renovating, or maintaining boating infrastructure facilities for:

- (i) Shops, stores, food service, other retail businesses, or lodging;
- (ii) Facility administration or management, such as a harbormaster's or dockmaster's office; or
- (iii) Transportation, storage, or services for boats on dry land, such as dry docks, haul outs, and maintenance and repair shops.

(7) Purchasing or operating service boats to transport boaters to and from mooring areas.

(8) Marketing, which is an activity that promotes a product to interested customers for the benefit of the facility. It includes a strategy for sales techniques, business communication, and business development. A business uses marketing to identify, satisfy, and keep a customer.

(9) Constructing, renovating, or maintaining boating infrastructure that does not:

- (i) Include design features as described at § 86.13;
- (ii) Serve eligible vessels or users; or
- (iii) Allow access by the general public as described at § 86.92.

(b) Other activities may be ineligible for BIG funding if they are inconsistent with the:

- (1) Purpose of BIG as described at § 86.2; or
- (2) Applicable Cost Principles at 2 CFR part 225 or 230.

§ 86.17 Who must own the site of a BIG-funded facility?

(a) You, a subgrantee, or another entity approved by us must own or have a legal right to operate the site of a BIG-funded facility. You must be able to show that your contractual arrangements with the owner of the site will ensure that the owner will use the BIG-funded facility for its authorized purpose for the useful life of the BIG-funded project.

(b) Subgrantees or contractors may be a local or tribal government, a nonprofit organization, a commercial enterprise, or an individual.

(c) Subgrantees that are commercial enterprises are subject to:

- (1) 43 CFR 12 subpart F for grant administrative requirements; and
- (2) Any future regulations that supplement or replace that subpart.

§ 86.18 How can I ensure that BIG-funded projects continue to serve their intended purpose for their useful life?

(a) When you design and build your project, you must consider:

- (1) The features and location of your project in reference to the geological, geographic, and climatic factors that may have an impact on the useful life of the project; and
- (2) The best reasonably available materials and technology.

(b) You must record the Federal interest in real property that includes a BIG-funded capital improvement according to the assurances required in the application and guidance from the Regional WSFR Division.

(c) You must require that subgrantees record the Federal interest in real property that includes a BIG-funded capital improvement.

(d) You must notify subgrantees that they must not alter the ownership, purpose, or use of the BIG-funded facility as described in the project statement without approval from you and the WSFR Regional Office.

(e) You may impose other requirements on subgrantees, as allowed by law, to reduce State liability for the BIG-funded project. Examples are: insurance, deed restrictions, and a security interest agreement.

§ 86.19 What if a project would benefit both eligible and ineligible users?

You may assign 100 percent of the project costs to the BIG grant if the project and each discrete element of the

project benefit only eligible users. If a proposed project or a discrete element of a project would benefit both eligible and ineligible users:

(a) You must divide costs equitably between eligible and ineligible users, even if the benefits for ineligible users are incidental to the objectives of the project. You must assign to the BIG grant only the share of costs that benefits eligible users.

(b) You must not assign any share of the costs to the BIG grant if the project or a discrete element of the project does not benefit eligible users.

(c) You must consider placement of facilities for eligible users and the

potential for attracting ineligible users. An example would be transient dock space near a boat ramp that ineligible users could view as a courtesy dock. Any facilities with a potential dual purpose must either divide costs following the guidance at paragraph (e) of this section or post restrictions following the requirements at § 86.94.

(d) You must consider the number of months per year that the BIG-funded project will be available to eligible users.

(e) The following table shows how to apply paragraphs (a) through (d) of this section:

If a discrete element of a project benefits. . .	Then. . .
(1) Only eligible users	Assign 100 percent of the costs to BIG.
(2) Both eligible and ineligible users	Divide costs equitably by the method described in the annual Request for Applications at http://www.grants.gov .
(3) Only ineligible users	Assign 0 percent of the costs to BIG.

(f) You must clearly post the details of eligible- and ineligible-user access following the guidance at § 86.94.

(g) You must explain in the project statement the basis or method you use to assign costs between eligible and ineligible users. We reject applications that do not divide costs equitably between eligible and ineligible users.

Subpart C—Federal Funds and Match

§ 86.30 What is the source of BIG funds?

(a) BIG receives Federal funding as a percentage of the annual revenues to the Sport Fish Restoration and Boating Trust Fund (Trust Fund) [26 U.S.C. 4161(a), 4162, 9503(c), and 9504].

(b) The Trust Fund receives revenue from sources including:

- (1) Excise taxes paid by manufacturers on sportfishing equipment and electric outboard motors;
- (2) Fuel taxes attributable to motorboats and nonbusiness use of small-engine power equipment; and
- (3) Import duties on fishing tackle, yachts, and pleasure craft.

§ 86.31 How does the Service know how much money will be available for BIG grants each year?

(a) We estimate funds available for BIG grants each year when we issue a Request for Applications (RFA) at <http://www.grants.gov>. We base this estimate on the revenue projected for the Trust Fund.

(b) We calculate the actual amount of funds available for BIG grants based on tax collections, the funds carried over from previous fiscal years, and available unobligated BIG funds.

§ 86.32 What are the match requirements?

(a) The Act requires that the State or another non-Federal partner must pay at least 25 percent of eligible and allowable project costs. We must waive the first \$200,000 of the required match for each grant to the Commonwealth of the Northern Mariana Islands and the territories of American Samoa, Guam, and the U.S. Virgin Islands (48 U.S.C. 1469(a)).

(b) Match may be cash contributed during the funding period or in-kind contributions of personal property, structures, and services including volunteer labor contributed during the grant period.

(c) Match must be:

- (1) Necessary to achieve project objectives;
- (2) From a non-Federal source, unless you show that a Federal statute authorizes the specific Federal source for use as match; and
- (3) Consistent with the applicable sections of:

(i) Uniform Administrative Requirements for Grants and Agreements at 43 CFR 12.64 and 43 CFR 12.923;

(ii) Applicable Cost Principles at 2 CFR parts 225 or 230; and

(iii) Any regulations or policies that may replace or supplement requirements at paragraphs (c)(3)(i) and (ii) of this section.

(d) Match must not include:

- (1) An interest in land or water;
- (2) The value of any structure completed before the beginning of the funding period;

(3) Costs or in-kind contributions that have been or will be counted as satisfying the cost-sharing or match requirement of another Federal grant, a Federal cooperative agreement, or a Federal contract, unless authorized by Federal statute; or

(4) Any funds received from another Federal source, unless authorized by Federal statute.

§ 86.33 What information must I provide on match commitments and where do I provide it?

(a) You must provide information on the amount and the source of match for your BIG application on the standard grant application form available at <http://www.grants.gov>.

(b) You must also provide information on:

(1) Your match commitment in the project statement under “Match and Other Contributions;” and

(2) A subgrantee’s or other third party’s match commitment in the project statement under “Match and Other Contributions” and by attaching to the application package a letter signed by the third party’s authorized representative.

(c) In providing the information required at paragraphs (b)(1) and (2) of this section, you must:

- (1) State the amount of matching cash;
- (2) Describe any matching in-kind contributions;
- (3) State the estimated value of any in-kind contributions; and
- (4) Explain the basis of the estimated value.

§ 86.34 What if a partner is not willing or able to follow through on a match commitment?

- (a) If you discover that a partner is not willing or able to meet a match commitment, you must either:
 - (1) Replace the original partner with another partner and provide us with a letter of commitment from the new partner; or
 - (2) Provide either cash or an in-kind contribution that at least equals the

- value and achieves the same objective as the partner's original commitment of cash or in-kind contribution.
- (b) You must notify us of any changes in your application related to partners before a grant award. Failure to notify us that a contributing partner has withdrawn its support may make your project ineligible.
- (c) You must notify us of any changes in partner contributions after an award following the provisions at § 86.100.

- (d) If you discover that a partner is not willing or able to meet a match commitment and you do not have enough money to complete the project, you must follow the requirements at §§ 86.73 and 86.100.

Subpart D—Application for a Grant

§ 86.40 What are the differences between BIG Basic grants and BIG Competitive grants?

COMPARISON OF BIG BASIC AND COMPETITIVE GRANTS

	BIG basic	BIG competitive
(a) What activities are eligible for funding?	Those listed at § 86.11	Those listed at § 86.11.
(b) What is the amount of Federal funds I can receive in one BIG grant?	Each year we make at least \$100,000 available to each State. States may request any amount up to the annual funding limit. We decide annual funding limits based on the total funds available for BIG. We announce each year in <i>http://www.grants.gov</i> the amount of Federal funds you can receive.	Up to \$1.5 million.
(c) How many applications can I submit each year?	We will accept only one per State, but it may contain multiple projects.	No limit.
(d) How does the Service choose applications for funding?	We fund one eligible grant per State up to the maximum annual amount available.	We score each application according to ranking criteria at § 86.51. We recommend applications with the highest scores to the Director. The Director selects the applications for award.

§ 86.41 How do I apply for a grant?

- (a) You apply for a grant by submitting an application to:
 - (1) *http://www.grants.gov*, Catalog of Federal Domestic Assistance (CFDA) 15.622; or
 - (2) Regional Director, at the address listed in the annual RFA and available at *http://www.grants.gov* for the Regional Office responsible for Service activities in the State where your project is located.
- (b) Regional Office addresses are in the annual RFA at *http://www.grants.gov*, CFDA 15.622.
- (c) If you send an application to the Regional Director, you may send it by any means authorized in the annual RFA at *http://www.grants.gov*.
- (d) The director of your agency or an authorized representative must certify all standard forms submitted in the application process, in the format designated by the Service.
- (e) If your State supports Executive Order 12372, Intergovernmental Review of Federal Programs, you must send copies of all standard forms and supporting information to the State Clearinghouse or Single Point of Contact before sending it to the Regional Director.

§ 86.42 What do I have to include in an application?

- (a) When you submit a BIG application you must include standard

- forms, budget information, a BIG project statement, documents, maps, images, and other information asked for in the annual RFA at *http://www.grants.gov*, CFDA 15.622 in the format requested.
- (b) After we review your application, any responses to our requests to give more information or to clarify information become part of the application.
- (c) After we award your project, you must include supporting documentation explaining how the proposed work complies with applicable laws and regulations and identify permits, evaluations, and reviews you will need to obtain in order to complete the project.
- (d) Substantial misrepresentations of the information you give in an application may be a reason for us to:
 - (1) Consider your application ineligible; or
 - (2) Terminate your grant agreement.

§ 86.43 What information must I put in the project statement?

- You must put the following information in the project statement:
 - (a) *Need*. Explain why the project is necessary and how it fulfills the purpose of BIG stated at § 86.2. To support the need for the project you must:
 - (1) Describe existing facilities available for eligible vessels near the proposed project. Include relevant

- details, such as the number of transient slips and the amenities for eligible users.
- (2) Describe how the proposed project fills a need or offers a benefit not offered by the existing facilities identified at paragraph (a)(1) of this section.
- (3) Give information to support the number of transient boats expected to use the area of the proposed project and show that the existing facilities identified at paragraph (a)(1) of this section are not enough to support them.
- (b) *Purpose and objectives*. State the purpose and objectives. The purpose states the desired outcome of the proposed project in general or abstract terms. The objectives state the desired outcome of the proposed project in terms that are specific and quantified.
- (c) *Results or benefits expected*. (1) Describe the capital improvement, services, or other products that will result from the project, and the purpose of each of these.
 - (2) Describe how the structures, services, or other products will:
 - (i) Satisfy the need described at paragraph (a) of this section; and
 - (ii) Benefit eligible users.
 - (d) *Approach*. (1) Describe the methods used to achieve the objectives. Show that you will use sound design and proper procedures. Include enough information for the Service to make a preliminary assessment of compliance needs.

(2) Give the name, contact information, qualifications, and role of each known contractor or subgrantee.

(3) Explain how you will exercise control to ensure the BIG-funded facility continues to fulfill its authorized purpose during the useful life of the BIG-funded project.

(e) *Useful life.* State the useful life in years of the capital improvements for the proposed project. Explain how you determined the useful life of each capital improvement. You must reference a generally accepted method used to determine useful life of a capital improvement valued at \$100,000 or more. See §§ 86.74 and 86.75.

(f) *Geographic location.* State the location using Global Positioning System (GPS) coordinates in the format requested in the annual RFA at <http://www.grants.gov>. State the local jurisdiction (county, town, city, or equivalent), street address, and water body associated with the project.

(g) *Budget narrative.* Provide costs and additional information sufficient to show that the project will have benefits that justify the costs. State the percent of project costs that benefit eligible users. Describe any item that requires the Service's approval and estimate its cost or value. Examples are preaward costs and dredging.

(h) *Match and other partner contributions.* See §§ 86.32 and 86.33 for required information.

(i) *Fees and program income, if applicable.* (1) See § 86.90 for the information that you must include on the estimated fees that an operator will charge during the useful life of the BIG-funded project.

(2) See §§ 86.78 and 86.79 for an explanation of how you may use program income. If you determine that your project will generate program income during the grant period, you must:

(i) Estimate the amount of program income that the project is likely to generate; and

(ii) Indicate how you will apply program income to Federal and non-Federal outlays.

(j) *Multipurpose projects and equitable costs for BIG-funded facilities.* You must explain the method used to divide costs equitably between estimated benefits for eligible and ineligible users. Your division of costs must be consistent with the requirements at § 86.19.

(k) *Relationship with other grants.* Describe the relationship between this project and other work funded by Federal and non-Federal grants that is planned, expected, or in progress.

(l) *Timeline.* Describe significant milestones in completing the project and any accomplishments to date.

(m) *Grantee's contact.* Record the name, work address, and work-telephone number of your representative for day-to-day issues on the project.

§ 86.44 What other documents and information must I include in a grant application?

(a) You must include in all BIG applications:

(1) Maps, such as:

(i) A small State map that shows the general location of the project;

(ii) A local map that shows the facility location and the nearest community, public road, and navigable water body; and

(iii) Any other map that supports the information in the project statement.

(2) For construction projects, support the description of your project by including images that show existing structures and facilities, the proposed BIG project, and information related to your project such as distances, number of slips, and functions.

(3) Letters of commitment from partners, if applicable, using the guidance at § 86.33. (4) Any other documents requested in the annual RFA or needed to support your proposed project.

(b) In BIG Competitive applications, you must respond to each of the questions addressing the ranking criteria at § 86.51 in the order in which the questions appear in the table. We publish the questions for these criteria in the annual RFA at <http://www.grants.gov>. In answering each question, you must include the information at §§ 86.52 through 86.58 and any additional information requested in the annual RFA.

§ 86.45 What if my BIG project needs more than the awarded Federal share and required match to complete?

(a) If you plan a project that you cannot complete with the amount of the Federal award and the required match, you may:

(1) Find other sources of funds to complete the project;

(2) Combine BIG Basic and BIG Competitive funding to complete a project at a single location; or

(3) Divide your larger project into smaller, distinct, stand-alone projects and apply for more than one BIG grant, either in the same year or in different years. One project cannot depend on the completion of another.

(b) For BIG Competitive grants, we review and rank each application

individually, and each must compete with other applications for the same award year.

(c) If you receive a BIG grant for one of your applications, we do not give preference to other applications you submit.

§ 86.46 If the Service does not select my application for funding, can I apply for the same project the following year?

If we do not select your BIG application for funding, you can apply for the same project the following year or in later years.

§ 86.47 What changes can I make in an application after I submit it?

(a) After you submit your application, you can add information or make changes up to the date and time that the applications are due.

(b) After the due date of the applications and before we announce successful applicants, you can add information or make a change in your application only if it does not affect the scope of the project and would not affect the score of the application. If we discover that part of an application contains activities that we cannot fund with a BIG grant, we will determine on a case-by-case basis if we will consider the remainder of the application for funding. We may ask the applicant to change the useful life of the BIG project during this period following guidance at § 86.75.

(c) You must inform us of any incorrect information in an application as soon as you discover it, either before or after receiving an award.

(d) We may ask you at any point in the application process to:

(1) Clarify, correct, explain, or supplement data and information in the application;

(2) Justify the eligibility of a proposed activity; or

(3) Justify the allowability of proposed costs or in-kind contributions.

(e) If you do not respond fully to our questions at paragraph (d) in this section in the time allotted, we will not consider your application for funding.

(f) If funding is limited and we cannot fully fund your project, we may tell you the amount of available funds and ask you if you wish to adjust your application to reduce the amount of funding requested.

Subpart E—Project Selection

§ 86.50 Who ranks BIG Competitive applications?

We assemble a panel of our professional staff to review, rank, and recommend applications for funding to the Director. This panel may include

representatives from our Regional Offices, with Washington Office staff overseeing the review, ranking, and recommendation process. Following the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix), the Director may invite nongovernmental organizations and other non-Federal

entities to take part in an advisory panel to make recommendations to the Director.

§ 86.51 What criteria does the Service use to evaluate BIG Competitive applications?

Our panel of professional staff and an advisory panel of nongovernmental

organizations evaluate BIG Competitive applications using the ranking criteria in the following table and assigning points within the range for each criterion. We may supplement these criteria in the annual RFA on <http://www.grants.gov>.

Ranking criteria	Points
(a) Boating Infrastructure	50 percent of total possible points.
(1) Will the proposed boating infrastructure meet a need for more or improved facilities?	0–30.
(2) Will the proposed boating infrastructure accommodate boater access to significant destinations and services that support transient boater travel?	0–10.
(3) Will eligible users receive benefits from the proposed boating infrastructure that justify the cost of the project?	0–10.
(b) Partnerships	30 percent of total possible points.
(1) Will the proposed project include private or public partnerships to develop, renovate, maintain, or operate facilities?	0–15.
(2) Will the proposed project include private, local, or other State funds greater than the required minimum match? ...	0–15.
(c) Environment	20 percent of total possible points.
(1) Will the proposed project improve or maintain the quality of the local environment?	0–10.
(2) Will the proposed project include physical components or activities that improve the environmental sustainability of the facility?	0–10.
(d) Total possible points	100.

§ 86.52 What does the Service consider when evaluating a project on the need for more or improved boating infrastructure?

In evaluating a proposed project under the criterion at § 86.51(a)(1) on the need for more or improved boating infrastructure facilities, we consider whether the project will:

- (a) Construct new boating infrastructure in an area that lacks these facilities, but where eligible vessels now travel or would travel if the project were completed;
- (b) Renovate a facility to:
 - (1) Improve its physical condition;
 - (2) Comply with local building codes;
 - (3) Improve generally accepted safety standards; or
 - (4) Adapt it to a new purpose for which there is a demonstrated need;
- (c) Expand an existing marina or mooring site that is unable to accommodate current or projected demand by eligible vessels; or
- (d) Produce other improvements to accommodate a demonstrated eligible need.

§ 86.53 What does the Service consider when evaluating a project on boater access to significant destinations and services that support transient boater travel?

In evaluating a proposed project under the criterion at § 86.51(a)(2) on boater access, we consider the degree of access that the BIG-funded facility will give, the significance of the destination, and the services available in the area to support eligible users.

§ 86.54 What does the Service consider on benefits to eligible users that justify the cost of the project?

We consider these factors in evaluating a proposed project under the criterion at § 86.51(a)(3) on benefits for eligible users that justify the cost of the project:

- (a) Total cost of the project;
- (b) Total benefits available to eligible users upon completion of the project; and
- (c) Credibility of the data and information used to determine benefits relative to costs.

§ 86.55 What does the Service consider when evaluating a project for partnerships?

(a) We consider the number of partners and the significance of each partner’s contribution in evaluating a project under the criterion at § 86.51(b)(1).

(b) To qualify, a partner’s contribution must be necessary to accomplish the eligible project objectives. The application must state specifically how the partnership helps construct, renovate, or maintain the project.

(c) The following may qualify as partners for purposes of the ranking criterion:

- (1) A non-Federal entity, including a subgrantee, if it signs a letter that:
 - (i) Commits to contributing match that is at least 1 percent of the BIG-funded project; and
 - (ii) Follows the requirements at § 86.33(b)(2) and (c).
- (2) A Federal or non-Federal entity that has taken or commits to take a

voluntary action during the grant period. The action must contribute directly and substantively to the completion of the project. You must explain in the application how the action is necessary to complete the project.

(3) A Federal or non-Federal entity that commits to the ongoing objectives of the project, such as providing a service or benefit on a routine basis during or after the grant period. You must explain in the application how the action will contribute, the length of the commitment, and how the commitment benefits the project and eligible users.

(4) A governmental entity may be a partner unless its contribution to completing the project is a mandatory duty of the agency, such as reviewing a permit application.

§ 86.56 What does the Service consider when evaluating a project that includes greater than the minimum match?

When we evaluate a project under the criterion for match at § 86.51(b)(2), we consider cash and the value of allowable in-kind contributions of equipment, services, and supplies.

§ 86.57 What does the Service consider when evaluating a project for improving or maintaining the quality of the local environment?

In evaluating a proposed project under the criterion at § 86.51(c)(1), we consider whether the project will:

- (a) Restore, support, or create local habitat;

(b) Compensate for the impacts of the project on the local environment; or

(c) Eliminate an existing environmentally harmful practice or situation at or near the facility.

§ 86.58 What does the Service consider when evaluating a project for environmental sustainability?

(a) In evaluating a proposed project under the criterion at § 86.51(c)(2), we consider whether the project includes equipment, supplies, practices, and other elements that will minimize the global impact or enhance the long-term sustainability of the project.

(b) We may consider activities funded through other sources that benefit eligible users, but are not eligible BIG costs.

§ 86.59 What happens after the Director approves projects for funding?

(a) After the Director approves projects for funding, we notify successful applicants of the:

- (1) Amount of the grant;
- (2) Forms or documents required, including those required for compliance with applicable laws and regulations;
- (3) Approvals needed; and
- (4) Time constraints.

(b) After we receive the required forms and documents, we approve the terms of the grant and obligate the grant in the Federal financial management system.

(c) BIG funds are available for Federal obligation for 3 Federal fiscal years, starting October 1 of the fiscal year that funds become available for award. We do not make a Federal obligation until you meet grant requirements. Funds not obligated within 3 fiscal years are no longer available.

Subpart F—Grant Administration

§ 86.70 What standards must I follow when constructing a BIG-funded facility?

(a) You must design and build a BIG-funded facility so that each structure meets Federal, State, and local standards.

(b) You must provide documents to show that a licensed engineer or architect designed the project.

§ 86.71 How much time do I have to complete the work funded by a BIG grant?

(a) We assign a grant period that is no longer than 3 years from the grant start date.

(b) You must complete your project within the grant period unless you ask for and receive a grant extension.

§ 86.72 What if I cannot complete the project during the grant period?

(a) If you cannot complete the project during the 3-year grant period, you may

ask us for an extension. Your request must be in writing, and we must receive it before the end of the original grant period.

(b) An extension is considered a revision of a grant and must follow guidance at § 86.101.

(c) We will approve a 1-year extension if your request:

- (1) Describes in detail the work you have completed and the work that you plan to complete during the extension;
- (2) Explains the reasons for delay;
- (3) Includes a report on the status of the project budget; and
- (4) Includes assurance that you have met or will meet all other terms and conditions of the grant.

(d) If you cannot complete the project during the 1-year extension period, you may ask us for a second extension. Your request must be in writing, and we must receive it before the end of the first 1-year extension. Your request for a second extension must include all of the information required at paragraph (b) of this section and, it must show that:

- (1) The extension is justified;
- (2) The delay in completion is not due to inaction, poor planning, or mismanagement; and
- (3) You will achieve the project objectives by the end of the second extension.

(e) We require that the Regional Director for your State and the Service's Assistant Director for the Wildlife and Sport Fish Restoration Program approve extensions beyond 2 years.

§ 86.73 What if I need more funds to finish a project?

(a) If you need more money to finish a BIG Competitive project, you must:

- (1) Complete the project with funds from non-Federal sources; or
- (2) Request approval to change the scope of the grant by following guidance in subpart I of this part.

(b) If you need more money to finish a BIG Basic project, you may:

- (1) Complete the project with funds from non-Federal sources;
- (2) Complete the project with funds from another annual BIG Basic grant; or
- (3) Request approval to change the scope of the grant by following guidance in subpart H of this part.

(c) If you do not complete your project, we follow guidance found for non-compliance in 43 CFR 12.83, 43 CFR 12.962, and whatever other regulations may apply.

§ 86.74 How long must I operate and maintain a BIG-funded facility, and who is responsible for the cost of operation and maintenance?

(a) You must operate and maintain a BIG-funded facility for its authorized

purpose for the useful life of the BIG-funded project. See §§ 86.3, 86.43(e), and 86.75.

(b) Catastrophic events may shorten the identified useful life of a BIG project. You may provide appropriate insurance coverage for the BIG project in order to protect the investment should an event occur. If the event causes sufficient damage that it is not practical to repair or replace the BIG project, you may ask the Regional Director to amend the grant agreement to reduce your useful-life obligation.

(c) You are responsible for the costs of the operation and maintenance of the BIG-funded project for its useful life.

§ 86.75 How do I determine the useful life of a project?

(a) To determine and justify the useful life of a project you must:

(1) Identify each capital improvement for your project. The capital improvement must be a structure or system that meets the definition at § 86.3 and serves an identified purpose, such as a building, dock system, breakwater, seawall, dredge project, fuel station, or pumpout system.

(2) Show the expected useful life and how you determined the useful life for each capital improvement identified following paragraph (a)(1) of this section.

(3) Use a generally accepted method to determine the useful life of a capital improvement valued at \$100,000 or more.

(4) Determine useful life based on the functional purpose of the capital improvement. For example, if a dock system has a concrete base that will last at least 50 years, but you expect the overall useful life of the dock system to be 20 years, use 20 years.

(b) We may reject your application if you do not adequately justify your determination for the useful life of each capital improvement.

(c) We may adjust the proposed useful life of the BIG project in consultation with you and any subgrantees. We may ask you to justify and change the useful life at any time between receiving your application and when the Regional Office issues the award.

§ 86.76 How should I credit the BIG program?

(a) You must use the Sport Fish Restoration logo to show the source of BIG funding:



(b) Examples of language you may use to credit the BIG program are:

(1) A Sport Fish Restoration—Boating Infrastructure Grant funded this facility thanks to your purchase of fishing equipment and motorboat fuel.

(2) A Sport Fish Restoration—Boating Infrastructure Grant is funding this construction thanks to your purchase of fishing equipment and motorboat fuel.

(3) A Sport Fish Restoration—Boating Infrastructure Grant funded this pamphlet thanks to your purchase of fishing equipment and motorboat fuel.

§ 86.77 How can I use the logo for the BIG program?

(a) You must use the Sport Fish Restoration logo on:

- (1) BIG-funded facilities;
- (2) Printed or Web-based material or other visual representations of BIG projects or accomplishments; and
- (3) BIG-funded or BIG-related educational and informational material.

(b) You must require a subgrantee to display the logo in the places and on

materials described at paragraph (a) of this section.

(c) The Director or Regional Director may authorize other persons, organizations, agencies, or governments that are not grant recipients to use the logo for purposes related to the BIG program by entering into a written agreement with the user. The user must state how it intends to use the logo, to what it will attach the logo, and the relationship to the BIG program.

(d) The Service and the Department of the Interior make no representation or endorsement whatsoever by the display of the logo as to the quality, utility, suitability, or safety of any product, service, or project associated with the logo.

(e) The user of the logo must indemnify and defend the United States and hold it harmless from any claims, suits, losses, and damages from:

(1) Any allegedly unauthorized use of any patent, process, idea, method, or device by the user in connection with its use of the logo, or any other alleged action of the user; and

(2) Any claims, suits, losses, and damages arising from alleged defects in the articles or services associated with the logo.

(f) No one may use any part of the logo in any other manner unless the Director or Regional Director authorizes it. Unauthorized use of the logo is a violation of 18 U.S.C. 701 and subjects

the violator to possible fines and imprisonment.

§ 86.78 How must I treat program income?

(a) You must follow the applicable program income requirements at 43 CFR 12.65 or 12.924.

(b) We authorize the following options in the regulations cited in paragraph (a) of this section:

(1) You may deduct the costs of generating program income from the gross income as long as you did not charge these costs to the grant. An example of costs that may qualify for deduction is maintenance of the BIG-funded facility that generated the program income.

(2) Use the addition alternative for program income only if:

(i) You describe the source and amount of program income in the project statement according to § 86.43(i)(2); and

(ii) We approve your proposed use of the program income, which must be for one or more of the activities eligible for funding in § 86.11.

(3) Use the deduction alternative for program income that does not qualify under paragraph (b)(2) of this section.

(c) We do not authorize the cost-sharing or matching alternative in the regulations cited in paragraph (a) of this section.

(d) For BIG Basic grants that include multiple projects:

If . . .	Then . . .
(1) The State subgrants one or more projects and an individual subgrantee project is completed.	(i) The State must verify to the WSFR Regional Office that its agreement with the subgrantee has been satisfied. (ii) The Regional Office will review and approve completion of the project. (iii) The Regional Office will instruct the State to apply any program income earned by the subgrantee as described at § 86.78(b). The subgrantee will have no further responsibilities for program income. (iv) The State grant will stay open to allow for completion of other projects, as applicable.
(2) The State will complete one or more projects and an individual State project is completed.	(i) The State must notify the WSFR Regional Office that it has completed one of the projects in the grant. (ii) The Regional Office must require the State to apply program income to the grant, but may allow the State to apply program income as described in § 86.78(b).

§ 86.79 How must I treat income earned after the grant period?

You are not accountable to us for income earned by you or a subgrantee after the grant period as a result of the grant except as required at §§ 86.90 and 86.91.

Subpart G—Facility Operations and Maintenance

§ 86.90 How much must an operator of a BIG-funded facility charge for using the facility?

(a) An operator of a BIG-funded facility must charge a reasonable fee for using the facility based on prevailing rates at other publicly and privately owned local facilities offering a similar service or amenity.

(b) We review fees as part of the application process. Awarding your grant includes approval of proposed fees unless we indicate otherwise.

§ 86.91 May an operator of a BIG-funded facility increase or decrease user fees during the useful life of the BIG-funded project?

An operator of a BIG-funded facility may increase or decrease user fees during the useful life of the BIG-funded

project if they are consistent with prevailing market rates.

§ 86.92 May an operator of a BIG-funded facility limit public access?

(a) An operator of a BIG-funded facility must not limit public access to any part of the facility during the useful life of the BIG-funded project, except as permitted at paragraphs (d) and (e) of this section, unless you describe these limits in the approved application. *Public access* in this section means access by eligible users, other types of boaters, and the general public.

(b) The site of a BIG-funded facility must be:

- (1) Accessible to the public; and
- (2) Open for reasonable periods.

(c) The public must have access to the shore and related facility features such as fuel stations and restrooms.

(d) An operator may temporarily limit public access to all or part of the BIG-funded facility due to an emergency, repairs, construction, or as a safety precaution.

(e) An operator may limit public access when seasonally closed for business.

§ 86.93 May I prohibit overnight use by eligible vessels at a BIG-funded facility?

You may prohibit overnight use at a BIG-funded facility if you state in the approved application that the facility is only for day use.

§ 86.94 Do I have to include informational signs for eligible users at BIG-funded facilities?

(a) You must include clearly visible signs at BIG-funded facilities that:

- (1) Direct eligible users to the BIG-funded facility;
- (2) Include fees, restrictions, operating periods, and contact information; and
- (3) Restrict ineligible use at any part of the BIG-funded project designated only for eligible use.

(b) You must credit BIG as a source of the funding.

(c) When crediting the BIG program you must follow the requirements at §§ 86.76 and 86.77.

Subpart H—Revisions and Appeals

§ 86.100 Can I change the information in an application after I receive a grant?

(a) To change information in an application after you receive a grant, you must propose a revision of the grant and we must approve it.

(b) We may approve a proposed revision if it:

- (1) Involves process, materials, logistics, or other items that have no effect on the factors used to decide score;

(2) Would not significantly decrease the benefits of the project; and

(3) Would not increase Federal funds.

(c) We may approve a decrease in the Federal funds requested in the application subject to paragraph (b) of this section.

(d) The Regional Director must review and the Assistant Director for the Wildlife and Sport Fish Restoration Program must approve any changes after we award a grant.

§ 86.101 How do I ask for a revision of a grant?

(a) You must ask for a revision of a grant by sending us the following documents:

(1) The standard form used to apply for Federal assistance, which is available at <http://www.grants.gov>. You must use this form to update or ask for a change in the information that you included in the approved application. The authorized representative of your agency must certify this form.

(2) A statement attached to the standard form at paragraph (a)(1) of this section that explains:

(i) How the revision would affect the information that you submitted with the original grant application; and

(ii) Why the revision is necessary.

(b) You must send any revision of the scope to your State Clearinghouse or Single Point of Contact if your State supports this process under Executive Order 12372, Intergovernmental Review of Federal Programs.

§ 86.102 Can I appeal a decision?

You can appeal the Director's or Regional Director's decision on any matter subject to this part.

(a) You must send the appeal to the Director within 30 days of the date that the Director or Regional Director mails or otherwise informs you of a decision.

(b) You may appeal the Director's decision under paragraph (a) of this section to the Secretary within 30 days of the date that the Director mailed the decision. An appeal to the Secretary must follow procedures in 43 CFR part 4, subpart G, "Special Rules Applicable to other Appeals and Hearings," or any regulations that replace or supplement subpart G.

§ 86.103 Can the Director authorize an exception to this part?

The Director can authorize an exception to any requirement of this part that is not explicitly required by law if it does not conflict with other laws or regulations or the policies of the Department of the Interior or the OMB.

Subpart I—Information Collection

§ 86.110 What are the information-collection requirements of this part?

(a) This part requires each applicant in the BIG program to:

(1) Give us information on Standard Form 424, Application for Federal Assistance (OMB control number 4040–0004).

(2) Certify on Standard Form 424 B, Assurances for Nonconstruction Programs, or Standard Form 424 D, Assurances for Construction Programs, or both if applicable, (OMB control numbers 4040–0007 and 4040–0009) that it:

(i) Has the authority to apply for the grant;

(ii) Has the ability to complete the project; and

(iii) Will follow the laws, regulations, and policies applicable to construction projects, nonconstruction projects, or both.

(3) Complete a project statement that describes the need, objectives, results expected, approach, location, cost explanation, and other information that shows that the project is eligible under the authorizing legislation and meets the requirements of the Federal Cost Principles and the laws, regulations, and policies applicable to the grant program (OMB control number 1018–0109).

(b) This part requires each grantee in the BIG program to:

(1) Update information given to the Service in an earlier approved application (OMB control number 1018–0109).

(2) Report on a Standard Form 425, Federal Financial Report, on the status of Federal grant funds and any program income earned (OMB control number 0348–0061).

(3) Report on progress in completing the grant-funded project (OMB control number 1018–0109).

(4) Report real property status or request agency instructions on real property on Standard Form 429, Real Property Status Report (OMB control number 3090–0296).

(5) Follow any future requirements for reporting financial and performance activities of a grant using additional forms or formats for inputting information.

(c) The authorizations for information collection under this part are in OMB Circular A–102, "Grants and Cooperative Agreements with State and Local Government," and in 43 CFR 12, subpart C, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

(d) Send comments on the information collection requirements to: U.S. Fish and Wildlife Service, Information Collection Clearance

Officer, 4401 North Fairfax Drive, MS 2042-PDM, Arlington, VA 22203.

Dated: March 12, 2012.

Rachel Jacobson,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2012-6994 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-55-P

Notices

Federal Register

Vol. 77, No. 60

Wednesday, March 28, 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

March 22, 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) 720-8958.

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.

Animal and Plant Health Inspection Service

Title: User Fee Regulation, 7 CFR 354 and 9 CFR 130.

OMB Control Number: 0579-0094.

Summary of Collection: The Food, Agriculture, Conservation and Trade Act of 1990, authorizes the Secretary of Agriculture and the Animal and Plant Health Inspection Service (APHIS) to prescribe and collect fees to cover the cost of providing certain Agricultural Quarantine and Inspection (AQI) services. The Act gives the Secretary the authority to charge for the inspection of international passengers, commercial vessels, trucks, aircraft, and railroad cars, and to recover the costs of providing the inspection of plants and plant products offered for export. The Secretary is authorized to use the revenue to provide reimbursements to any appropriation accounts that incur costs associated with the AQI services provided. APHIS will collect information using several APHIS forms.

Need and Use of the Information: APHIS collects information, which includes the taxpayer identification number, name, and address and telephone number to collect fees. The procedures and the information requested for the passengers and aircrafts are used to ensure that the correct users fees are collected and remitted in full in a timely manner. Without the information, APHIS would not be able to ensure substantial compliance with the statute. Noncompliance with the statute could result in misappropriation of public funds and lost revenue to the Federal Government.

Description of Respondents: Business or other for-profit; Not-for-profit institutions; Individuals or households; Federal Government; State, Local or Tribal Government.

Number of Respondents: 51,981.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 15,998.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2012-7369 Filed 3-27-12; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee will meet on April 12, 2012 from 9 a.m. to 3 p.m. at the Washington State Parks office, 270 9th Street NE., East Wenatchee, WA. During this meeting information will be shared about the Forest Service Chief's 10-Year Stewardship Challenge, Upper Yakima Basin Water Enhancement Project, Holden Mine Remediation progress, and an update on the Forest Plan Revision. All Eastern Washington Cascades and Yakima Province Advisory Committee meetings are open to the public.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Clint Kyhl, Designated Federal Official, USDA, Okanogan-Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801, phone 509-664-9200.

Dated: March 21, 2012.

Clinton Kyhl,

Designated Federal Official, Okanogan-Wenatchee National Forest.

[FR Doc. 2012-7368 Filed 3-27-12; 8:45 am]

BILLING CODE 3410-11-P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Nebraska Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Nebraska Advisory Committee to the Commission will convene by conference call at 2 p.m. and adjourn at approximately 4 p.m. on Thursday, April 12, 2012. The purpose of this meeting is to continue planning the Committee's civil rights project "The Civil Rights Implications of Nebraska LB 403 To Require Verification of Legal

Presence in the United States To Receive Public Benefits.”

This meeting is available to the public through the following toll-free call-in number: (866) 364-7584, conference call access code number 56026494. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and contact name Farella E. Robinson.

To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to register by contacting Corrine Sanders of the Central Regional Office and TTY/TDD telephone number, by 4 p.m. on April 5, 2012.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by May 14, 2012. The address is U.S. Commission on Civil Rights, 400 State Avenue, Suite 908, Kansas City, Kansas 66101. Comments may be emailed to frobinson@usccr.gov. Records generated by this meeting may be inspected and reproduced at the Central Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, www.usccr.gov, or to contact the Central Regional Office at the above email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, March 23, 2012.

Peter Minarik,

*Acting Chief, Regional Programs
Coordination Unit.*

[FR Doc. 2012-7391 Filed 3-27-12; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: Miscellaneous Short Supply Activities.

OMB Control Number: 0694-0102.

Form Number(s): N/A.

Type of Request: Regular Submission.

Burden Hours: 201 hours.

Number of Respondents: 1 respondent.

Average Hours per Response: 201 hours per response.

Needs and Uses: This information collection is comprised of two rarely used short supply activities: “Registration of U.S. Agricultural Commodities for Exemption From Short Supply Limitations on Export”, and “Petitions for the Imposition of Monitoring or Controls on Recyclable Metallic materials; Public Hearings.” These activities are statutory in nature and, therefore, must remain a part of BIS's information collection budget authorization.

Affected Public: Businesses and other for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain benefits.

OMB Desk Officer: Jasmeet Seehra, Fax number (202) 395-7285.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482-0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at jjessup@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Jasmeet Seehra, Office of Management and Budget (OMB), by email to jseehra@omb.eop.gov, or by fax to (202) 395-7285.

Dated: March 23, 2012.

Glenna Mickelson,

*Management Analyst, Office of the Chief
Information Officer.*

[FR Doc. 2012-7410 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).
Title: Pacific Islands Logbook Family of Forms.

OMB Control Number: 0648-0214.

Form Number(s): NA.

Type of Request: Regular submission (revision and extension of a currently approved information collection).

Number of Respondents: 280.

Average Hours per Response:

Logbooks and sales reports, between 5 and 30 minutes; experimental fishing report, 1 hour.

Burden Hours: 1,742.

Needs and Uses: This request is for revision and extension of a currently approved information collection.

Fishermen in Federally-managed fisheries in the western Pacific region are required to provide certain information about their fishing activities, catch, and interactions with protected species by submitting reports to National Marine Fisheries Service (NMFS), per 50 CFR part 665. These data are needed to determine the condition of the stocks and whether the current management measures are having the intended effects, to evaluate the benefits and costs of changes in management measures, and to monitor and respond to accidental takes of endangered and threatened species, including seabirds, sea turtles, and marine mammals.

Revisions: Observer notices and meetings are now covered under OMB Control No. 0648-0593, Observer Programs' Information That Can Be Gathered Only Through Question, approved by OMB in 2009. In addition, Commonwealth of the Northern Mariana Islands Commercial Bottomfish information collections are now under OMB Control No. 0648-0584, Permitting and Vessel Identification Requirements for the Commercial Bottomfish Fishery in the Commonwealth of the Northern Mariana Islands, approved in 2009.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer:

OIRA Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482-0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to

OIRA_Submission@omb.eop.gov.

Dated: March 22, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-7379 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Permitting and Vessel Identification Requirements for the Commercial Bottomfish Fishery in the Commonwealth of the Northern Mariana Islands.

OMB Control Number: 0648-0584.

Form Number(s): NA.

Type of Request: Regular submission (revision and extension of a current information collection).

Number of Respondents: 125.

Average Hours per Response: Permit applications, 30 minutes; appeals, 2 hours; vessel marking, 45 minutes.

Burden Hours: 70.

Needs and Uses: This request is for a revision and extension of a currently approved information collection. The National Marine Fisheries Service (NMFS) requires that owners of commercial fishing vessels in the bottomfish fishery in the Commonwealth of the Northern Mariana Islands (CNMI) obtain a federal bottomfish permit. If their vessels are over 40 ft. (12.2 m) long, they must also mark their vessels in compliance with federal identification requirements and carry and maintain a satellite-based vessel monitoring system (VMS). This collection of information is needed for permit issuance, to identify actual or potential participants in the fishery, and aid in enforcement of regulations and area closures.

Revisions: The vessel monitoring system requirements are now covered under OMB Control No. 0648-0441 and the NMFS is now requiring a permit fee of \$28.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

OMB Desk Officer:

OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482-0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *Jjessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to

OIRA_Submission@omb.eop.gov.

Dated: March 22, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-7380 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2012 Company Organization Survey.

OMB Control Number: 0607-0444.

Form Number(s): NC-99001, NC-99801.

Type of Request: Extension of a currently approved collection.

Burden Hours: 96,134.

Number of Respondents: 284,000.

Average Hours Per Response: 20 minutes.

Needs and Uses: The Census Bureau requests an extension of the currently approved Company Organization Survey (COS) data collection for the 2012 survey year. The Census Bureau will conduct the 2012 COS in conjunction with the 2012 Economic Census and will coordinate these collections so as to minimize response burden.

The Census Bureau conducts the annual COS to update and maintain a centralized, multipurpose Business Register (BR). In particular, the COS supplies critical information on the organizational structure, operating characteristics, and employment and payroll of multi-location enterprises.

The BR serves two fundamental purposes:

- First and most important, it provides sampling populations and enumeration lists for the Census Bureau's economic surveys and censuses, and it serves as an integral part of the statistical foundation underlying those programs. Essential for this purpose is the BR's ability to identify all known United States business establishments and their parent companies. Further, the BR must accurately record basic business attributes needed to control sampling and enumeration. These attributes include industry and geographic classifications, measures of size and economic activity, ownership characteristics, and contact information (for example, name and address).

- Second, it provides establishment data that serve as the basis for the annual County Business Patterns (CBP) statistical series. The CBP reports present data on number of establishments, first quarter payroll, annual payroll, and mid-March employment summarized by industry and employment size class for the United States, the District of Columbia, island areas, counties, and county-equivalents. No other annual or more frequent series of industry statistics provides comparable detail, particularly for small geographic areas.

Form NC-99001 is mailed to multi-location enterprises. We ask questions on ownership or control by a domestic parent, ownership or control by a foreign parent, and ownership of foreign affiliates; research and development; company activities such as employees from a professional employer organization, operating revenue and net sales, royalties and license fees for the use of intellectual property and manufacturing activities. Establishment inquiries include questions on operational status, mid-March employment, first-quarter payroll, and annual payroll of establishments.

In addition to the mailing of multi-location enterprises, the Census Bureau will collect data for single-location companies on Form NC-99801 to continue to capture data for the Enterprise Statistics Program (ESP). In 2011, we submitted a non-substantive change to the COS questionnaire. This revision added three new inquiries as part of the ESP. These three inquiries were: (1) Operating Revenues and Net Sales; (2) Royalties and Licenses Fees for the Use of Intellectual Property; and (3) Manufacturing Activities. For 2012 it is our intention to continue to ask these additional questions on the COS that we received OMB clearance for in 2011. We also ask questions on ownership or control by a foreign parent, and

ownership of foreign affiliates; research and development; royalties and license fees for the use of intellectual property and manufacturing activities.

The consolidated 2012 COS/Census will request company-level information from the entire universe of multi-establishment enterprise, which comprises roughly 164,000 parent companies and more than 1.6 million establishments with industrial activities in-scope of the 2012 Economic Census. COS inquiries sent to each of the 164,000 multi-establishment enterprises will include inquiries on ownership or control by a domestic parent, ownership or control by a foreign parent, and ownership of foreign affiliates; research and development; company activities, such as employees from a professional employer organization, operating revenue and net sales, royalties and license fees for the use of intellectual property, and manufacturing activities. Establishment inquiries include questions on operational status, mid-March employment, first-quarter payroll, and annual payroll of establishments.

The 2012 COS will request additional information from 15,000 multi-location establishments with industry classifications that are out-of-scope of the Economic Census. For those out-of-scope establishments, we will collect the following basic operating data for each listed establishment: End-of-year operating status, mid-March employment, first quarter payroll, and annual payroll. The Economic Census will collect data for all other establishments of multi-establishment enterprises, including those items above.

In addition to the 164,000 multi-establishment enterprises, the 2012 COS will include approximately 120,000 single-location companies (including 20,000 ASM companies) to continue to capture data for the Enterprise Statistics Program (ESP) on Form NC-99801. Questions will include inquiries on ownership or control by a foreign parent, and ownership of foreign affiliates; research and development; royalties and license fees for the use of intellectual property and manufacturing. In 2010 the Census Bureau pretested ESP questions under its Generic Clearance for pretesting research. In 2011 the COS collected data from all multi-location companies and will use these data to baseline the 2012 Economic Census data.

Affected Public: Business or other for-profit; Farms; Not-for-profit institutions; State, local or Tribal Government.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 131, 182, 224, and 225.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395-7314.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482-0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at jjessup@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202-395-7245) or email (bharrisk@omb.eop.gov).

Dated: March 23, 2012.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-7417 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Highly Migratory Species Permit Family of Forms.

OMB Control Number: 0648-0327.

Form Number(s): NA.

Type of Request: Regular submission (revision and extension of a current information collection).

Number of Respondents: 37,177.

Average Hours per Response: Initial vessel permit applications, 30 minutes; renewals, 6 minutes; initial dealer permits, 15 minutes; renewals, 5 minutes.

Burden Hours: 9,801.

Needs and Uses: This request is for revision and extension of a current information collection.

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the National Marine Fisheries Service (NMFS) is responsible for management of the nation's marine fisheries. In addition, NMFS must comply with the United States' obligations under the Atlantic Tunas Convention Act of 1975 (16

U.S.C. 971 *et seq.*). NMFS issues permits to fishing vessels and dealers in order to collect the information necessary to comply with domestic and international obligations, secure compliance with regulations, and disseminate necessary information.

Current regulations at 50 CFR 635.4 require that vessels participating in commercial and recreational fisheries for Atlantic highly migratory species (HMS) and dealers purchasing Atlantic HMS from a vessel, obtain a Federal permit issued by NMFS. Current regulations at 50 CFR 300.182 require that individuals entering for consumption (importing into the Customs territory of the United States or the separate customs territory of a U.S. insular possession, for domestic use), exporting, or re-exporting consignments of bluefin tuna, southern bluefin tuna, swordfish, or frozen bigeye tuna obtain an HMS International Trade Permit (ITP) from NMFS. This action addresses the renewal of permit applications currently approved under this collection, including both vessel and dealer permits. Vessel permits include Atlantic tunas, HMS charter/headboats, HMS angling, smoothhound sharks, and incidental HMS squid trawl permits. Dealer permits include Atlantic tunas dealer permits and the HMS ITP.

Revision: Shark and swordfish dealer and vessel permits were found to be included also in OMB Control No. 0648-0205, Southeast Region Permit Family of Forms, and will be removed from this information collection. There have also been reductions in some permit fees.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Mandatory.

OMB Desk Officer:

OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482-0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at JJessup@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to

OIRA_Submission@omb.eop.gov.

Dated: March 23, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-7467 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

**Proposed Information Collection;
Comment Request; Generic Clearance
for the 2020 Census Field Tests**

AGENCY: U.S. Census Bureau,
Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before May 29, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230, (202) 482-0336 (or via the Internet at jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Erin Love, Census Bureau, HQ-3H468E, Washington, DC 20233; (301) 763-2034 (or via the Internet at erin.s.love@census.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau is committed to conducting research towards a 2020 Census that costs less while maintaining high quality results. The Census Bureau plans to conduct a series of small-scale tests to research and evaluate how the use of automation can improve field data collection activities. These tests will explore how the Census Bureau can use automated processes to improve efficiency, improve data quality, and reduce respondent burden. Examples of census operations that might be included are: mapping and address listing; enumeration; and quality control checks.

This information collection will operate as a generic clearance. The estimated number of respondents and annual reporting hours requested cover both the known and yet to be determined tests. A generic clearance is needed for these tests because though each share similar methodology, the exact number of tests and the explicit details of each test to be performed has yet to be determined. The Census Bureau plans to conduct each test in small geographic areas. Once information collection plans are defined, they will be submitted on an individual basis in order to keep OMB informed as these tests progress.

The Census Bureau plans to test the use of mobile computing devices and applications in field data collection tasks. Field data collection tasks can include: Address listing and mapping, enumeration functions (including the administration of a questionnaire, scheduling of visits, collecting housing unit status, and adding new households); and quality control functions for both listing and enumeration.

Address Listing and Mapping Tasks

The scope of these tests will research using a mobile computing device and applications to: Create, add, delete, and correct an address list; load work assignments; measure production, record GPS coordinates; transmit and download data; and use geographic information obtained from other data sources. The overall goal of the tests is to improve accuracy and productivity in field activities while collecting the necessary data. Address and feature information will be primarily collected by observation. In cases where address or feature information is not observable or verifiable, a household or other knowledgeable respondent may be contacted to collect this information.

Enumeration Functions

The enumeration functions research will focus on using various applications and mobile computing devices to enumerate households and persons. The research and evaluation may include: developing an automated enumeration questionnaire, usability issues; conducting interviews; scheduling return visits; recording contact outcomes, recording the status of a housing unit (such as occupied or vacant); adding addresses; making work assignments; measuring production; ability to toggle to a Spanish instrument; enumerator routing; and transmission of data. To test enumeration functions, the Census Bureau may conduct the enumeration directly with a household

member or knowledgeable respondent. The Census Bureau has not yet determined the questions to ask households or knowledgeable respondents but will inform OMB as tests are developed.

Quality Control Functions

The quality control functions research is to test quality control functions and applications on different mobile computing devices for both listing and enumeration. The scope of the tests may include: revisiting areas and households to verify information collected in previous operations; correcting and adding map features, addresses, and households; apply pass/fail requirements; and to use and record map spots in GPS and manual modes. The Census Bureau has not yet determined the questions to ask households or knowledgeable respondents to test quality control functions but will inform OMB as tests are developed.

II. Method of Collection

The information will be collected on mobile computing devices through observations, face-face interviews, and/or telephone interviews.

III. Data

OMB Control Number: None.

Form Number: Not yet determined.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: 13,000 total.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 723 hours annual average, total estimate of 2,167.

Estimated Total Annual Cost: There is no cost to the respondent other than time to answer the information request.

Respondents Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 141 and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques

or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 23, 2012.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-7431 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 97-11A003]

Export Trade Certificate of Review

ACTION: Notice of Issuance of Application No. 97-11A003 of an Amended Export Trade Certificate to the Association for the Administration of Rice Quotas, Inc.

SUMMARY: The U.S. Department of Commerce issued an amended Export Trade Certificate of Review to the Association for the Administration of Rice Quotas, Inc., (“AARQ”) on December 16, 2011. The previous amendment was issued to AARQ on March 11, 2010 and published in the **Federal Register** on March 26, 2010 (75 FR 14567). This is the eleventh amendment to the Certificate. The Association for the Administration of Rice Quotas, Inc. (“AARQ”) original Certificate was issued on January 21, 1998 (63 FR 31738, June 10, 1998).

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or email at etca@trade.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review.

The U.S. Department of Commerce, International Trade Administration, Office of Competition and Economic Analysis (“OCEA”) is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the issuance in the **Federal Register**. Under Section 305(a) of the Export Trading Company Act (15 U.S.C. 4012(b)(1)) and 15 CFR 325.11(a), any person aggrieved by the Secretary’s determination may, within 30 days of the date of this notice, bring

an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

AARQ’s Export Trade Certificate of Review has been amended to update the list of Members and to reflect changes in ownership, corporate structures, names and locations:

1. “American Rice, Inc., Houston, Texas (a subsidiary of SOS Corporation Alimentaria, SA)” was amended to read “American Rice, Inc., Houston, Texas (a subsidiary of Ebro Foods, S.A. (Spain))”.

2. “Associated Rice Marketing Cooperative, Durham, California” was amended to read “Associated Rice Marketing Cooperative (ARMCO), Richvale, California”.

3. “Busch Agricultural Resources, LLC, St. Louis, Missouri, and its subsidiary, Pacific International Rice Mills, LLC, Woodland, California” was amended to read “Bunge Milling, Saint Louis, Missouri (a subsidiary of Bunge North America, White Plains, New York), dba PIRMI (Pacific International Rice Mills), Woodland, California”.

4. “Gulf Rice Arkansas, LLC (a subsidiary of Ansera Marketing, Inc.), Houston, Texas” was deleted, as Gulf Rice Arkansas II, LLC, a successor to Gulf Rice Arkansas, LLC, is now a subsidiary of another member, TRC Trading Corporation (see below).

5. “Louis Dreyfus Corporation, Wilton, Connecticut” was amended to read “LD Commodities Rice Merchandising LLC, Wilton, Connecticut, and LD Commodities Interior Rice Merchandising LLC, Kansas City, Missouri (subsidiaries of Louis Dreyfus Commodities LLC, Wilton, Connecticut)”.

6. “Nidera, Inc., Wilton, Connecticut (a subsidiary of Nidera Handelscompagnie BV (Netherlands))” was amended to read “Nidera US LLC, Wilton, Connecticut (a subsidiary of Nidera Handelscompagnie BV (Netherlands))”.

7. “Noble Logistics USA Inc., Portland, Oregon” was corrected to read “Noble Logistic USA Inc., Portland, Oregon”.

8. “PS International, Ltd., Chapel Hill, North Carolina” was amended to read “PS International LLC dba PS International, Ltd., Chapel Hill, North Carolina (jointly owned by Seaboard Corporation, Kansas City, Missouri, and PS Trading Inc., Chapel Hill, North Carolina)”.

9. “Riviana Foods Inc., Houston, Texas (a subsidiary of Ebro Puleva, S.A. (Spain))” was amended to read “Riviana Foods Inc., Houston, Texas (a subsidiary of Ebro Foods, S.A. (Spain))”.

10. “TRC Trading Corporation, Roseville, California (a subsidiary of The Rice Company)” was amended to read “TRC Trading Corporation, Roseville, California (a subsidiary of TRC Group, Inc., Roseville, California) and its subsidiary, Gulf Rice Arkansas II, LLC, Houston, Texas”.

11. “Veetee Rice, Inc., Springfield, Virginia (a subsidiary of Veetee Investments (Bahamas))” was amended to read “Veetee Rice Inc., Great Neck, New York (a subsidiary of Veetee Investments Corporation (Bahamas))”.

The effective date of the amended certificate is December 16, 2011, the date on which AARQ’s application to amend was deemed submitted. A copy of the amended certificate will be kept in the International Trade Administration’s Freedom of Information Records Inspection Facility, Room 4001, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: March 22, 2012.

Joseph E. Flynn,

Director, Office of Competition and Economic Analysis.

[FR Doc. 2012-7458 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; NIST Associates Information System

AGENCY: National Institute of Standards and Technology (NIST).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 29, 2012.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mary Clague, 301-975-4188, mary.clague@nist.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

NIST Associates (NA) will include guest researchers, research associates, contractors, and other non-NIST employees that require access to the NIST campuses or NIST resources. The NIST Associates Information System (NAIS) information collection instrument(s) are completed by incoming NAs. The NAs will be

requested to provide personal identifying data including home address, date and place of birth, employer name and address, and basic security information. The data provided by the collection instruments will be input into NAIS, which automatically populates the appropriate forms, and is routed through the approval process. NIST's Office of Security receives security forms through the NAIS process and is able to allow preliminary access to NAs to the NIST campuses or resources. The data collected will also be the basis for further security investigations as necessary.

II. Method of Collection

The information is collected in paper format.

III. Data

OMB Control Number: None.

Form Numbers: None.

Type of Review: Regular submission (new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 4,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 2,000.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 22, 2012.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012-7375 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Advisory Committee on Earthquake Hazards Reduction Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will hold a meeting via teleconference on Friday, April 27, 2012 from 1 p.m. to 3 p.m. Eastern Time. The primary purpose of this meeting is to review the Committee's draft annual report to the NIST Director. Any draft meeting materials will be posted on the NEHRP Web site at <http://nehrrp.gov/>. Interested members of the public will be able to participate in the meeting from remote locations by calling into a central phone number.

DATES: The ACEHR will hold a meeting via teleconference on Friday, April 27, 2012, from 1 p.m. until 3 p.m. Eastern Time.

ADDRESSES: Questions regarding the meeting should be sent to National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899-8604. For instructions on how to participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT:

Dr. Jack Hayes, National Earthquake Hazards Reduction Program Director, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899-8604. Dr. Hayes' email address is jack.hayes@nist.gov and his phone number is (301) 975-5640.

SUPPLEMENTARY INFORMATION: The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108-360). The Committee is composed of 12 members appointed by the Director of NIST, who were selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues affecting the National Earthquake Hazards Reduction Program. In addition, the Chairperson of the U.S. Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC) serves in an ex-officio capacity on the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- The effectiveness of NEHRP in performing its statutory activities (improved design and construction methods and practices; land use controls and redevelopment; prediction techniques and early-warning systems; coordinated emergency preparedness plans; and public education and involvement programs);
- Any need to revise NEHRP; and
- The management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at <http://nehrrp.gov/>.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app., notice is hereby given that the ACEHR will hold a meeting via teleconference on Friday, April 27, 2012, from 1 p.m. until 3 p.m. Eastern Time. There will be no central meeting location. Interested members of the public will be able to participate in the meeting from remote locations by calling into a central phone number.

The primary purpose of this meeting is to review the Committee's draft annual report to the NIST Director. Any draft meeting materials will be posted on the NEHRP Web site at <http://nehrrp.gov/>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request detailed instructions by contacting Michelle Harman on how to dial in from a remote location to participate in the meeting. Michelle Harman's email address is michelle.harman@nist.gov, and her phone number is 301-975-5324. Approximately fifteen minutes will be reserved from 2:45 p.m.-3 p.m. Eastern Time for public comments; speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated, and those who were unable to participate are invited to submit written statements to the ACEHR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899-8604, via fax at (301) 975-5433, or electronically by email to info@nehrrp.gov.

All participants of the meeting are required to pre-register. Anyone wishing to participate must register by close of

business Friday, April 20, 2012, in order to be included. Please submit your name, email address, and phone number to Michelle Harman. After registering, participants will be provided with detailed instructions on how to dial in from a remote location in order to participate. Michelle Harman's email address is michelle.harman@nist.gov, and her phone number is (301) 975-5324.

Dated: March 21, 2012.

Willie E. May,

Associate Director for Laboratory Programs.

[FR Doc. 2012-7481 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 120322212-2212-01]

Spectrum Sharing Innovation Test-Bed Pilot Program

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice, request for comments.

SUMMARY: This notice describes and seeks comment on the types and depth of testing that the National Telecommunications and Information Administration (NTIA) intends to conduct in Phase II/III of the Spectrum Sharing Innovation Test-Bed pilot program to assess whether devices employing Dynamic Spectrum Access techniques can share the frequency spectrum with land mobile radio systems.

DATES: Comments are due on or before April 27, 2012.

ADDRESSES: Comments should be sent to the attention of Ed Drocella, Office of Spectrum Management, 1401 Constitution Avenue NW., Room 6725, Washington DC, 20230; by facsimile transmission to (202) 482-4595; or by electronic mail to testbed@ntia.doc.gov.

FOR FURTHER INFORMATION CONTACT: Ed Drocella at (202) 482-2608 or edrocella@ntia.doc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

NTIA, in coordination with the Federal Communications Commission (FCC) and other federal agencies, established a Spectrum Sharing Innovation Test-Bed (Test-Bed) pilot program to examine the feasibility of increased sharing between federal and non-federal users. This pilot program is

an opportunity for federal agencies to work cooperatively with industry, researchers, and academia to objectively evaluate new technologies that can improve management of the nation's airwaves.

The Test-Bed pilot program is evaluating the ability of Dynamic Spectrum Access (DSA) devices employing spectrum sensing and/or geo-location techniques to share spectrum with land mobile radio (LMR) systems operating in the 410-420 MHz federal band and in the 470-512 MHz non-federal band.¹ To address potential interference to incumbent spectrum users, the Test-Bed will include both laboratory and field measurements performed in three phases:

Phase I—Equipment Characterization. Participants will send equipment employing DSA techniques to the NTIA Institute for Telecommunication Sciences in Boulder, Colorado to undergo characterization measurements of the DSA capabilities in response to simulated environmental signals.

Phase II—Evaluation of Capabilities. After successful completion of Phase I, NTIA will evaluate the DSA spectrum sensing and/or geo-location capabilities of the equipment in the geographic area of the Test-Bed.

Phase III—Field Operation Evaluation. After successful completion of Phase II, NTIA will permit the DSA equipment to transmit in an actual radio frequency signal environment. An automatic signal logging capability will be used during operation of the Test-Bed to help resolve interference events if they occur. NTIA and the participant will establish a point-of-contact to stop Test-Bed operations if interference is reported.

NTIA published the Phase I test plan in the **Federal Register** for public review and comment in December 2008.² NTIA addressed the public comments on the test plan and published a final version on the NTIA Web site in February 2009.³ The annual progress reports provide the status of the Phase I testing.⁴

¹ Dynamic Spectrum Access technology allows a radio device to (i) evaluate its radio frequency environment using spectrum sensing, geo-location, or a combination of spectrum sensing and geo-location techniques, (ii) determine which frequencies are available for use on a non-interference basis, and (iii) reconfigure itself to operate on the identified frequencies.

² Spectrum Sharing Innovation Test-Bed Pilot Program, 73 FR 76,002 (Dec. 15, 2008).

³ The final Phase I test plan and additional information on the Test-Bed pilot program are available at <http://www.ntia.doc.gov/category/spectrum-sharing?page=1>.

⁴ The annual progress reports and additional information on the Test-Bed pilot program are

II. Request for Comments

NTIA has established a review process to give the public an opportunity to participate in the development of test plans for the Test-Bed pilot program.⁵ A copy of the draft Phase II/III test plan is available in Word, and PDF formats on the following Web site: <http://www.ntia.doc.gov/category/spectrum-sharing?page=1>.

On or before April 27, 2012, interested parties wishing to comment on the draft Phase II/III test plan should submit to the address set forth above, their name, address, phone number, email address and their comments. NTIA seeks comments on the types and depth of testing that NTIA intends to conduct in Phase II/III of the Spectrum Sharing Innovation Test-Bed pilot program to assess whether devices employing Dynamic Spectrum Access techniques can share the frequency spectrum with land mobile radio systems. Comments will be posted on NTIA's Web site at <http://www.ntia.doc.gov/category/spectrum-sharing?page=1>.

NTIA will publish the final version of the Phase II/III test plan on its Web site.

Dated: March 22, 2012.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2012-7373 Filed 3-27-12; 8:45 am]

BILLING CODE 3510-60-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Proposed Collection; Comment Request

[Docket No. CFPB-2012-0013]

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C.

available at <http://www.ntia.doc.gov/category/spectrum-sharing?page=1>.

⁵ There are certain limitations on the public review process to take into account the proprietary rights of the developers participating in the Test-Bed. As part of the Test-Bed, NTIA may enter into Cooperative Research and Development Agreements or Joint Project Agreements with the equipment developers.

3506(c)(2)(A)). Currently, the Bureau is soliciting comments concerning the information collection efforts relating to Quantitative Testing of Integrated Mortgage Loan Disclosure Forms.

DATES: Written comments must be received on or before May 29, 2012 to be assured of consideration.

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

- *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Direct all written comments to Consumer Financial Protection Bureau, (Attention: Chris Willey, Chief Information Officer), 1700 G Street NW., Washington, DC 20552.

Instructions: All submissions must include the agency name and docket number for this notice. In general, all comments will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435-7275. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should only submit information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Joseph Durbala, (202) 435-7893, at the Consumer Financial Protection Bureau, (Attention: Joseph Durbala, PRA Clearance Office), 1700 G Street NW., Washington, DC 20552, or through the internet at Joseph.Durbala@cfpb.gov.

SUPPLEMENTARY INFORMATION:

Title: Quantitative Testing of Integrated Mortgage Loan Disclosure Forms.

OMB Number: 3170-xxxx.

Abstract: The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Public Law 111-203, Title X, requires the CFPB to develop disclosures that integrate separate disclosures concerning residential mortgage loans that are required under the Truth in Lending Act (TILA) and Real Estate Settlement Procedures Act (RESPA). The Dodd-Frank Act requires the Bureau to publish proposed integrated disclosures by July 21, 2012. The Bureau began developing the integrated disclosures in 2011, conducting qualitative testing of the

disclosures given in connection with the application by the consumer and the consummation of the transaction. This qualitative testing has been conducted under Emergency Clearance Number 1505-0233 and Generic Clearance Number 3170-0003.

The Bureau proposes to conduct quantitative testing of the integrated disclosures after it publishes the proposed integrated disclosures. The purpose of the quantitative testing will be to examine whether the disclosures aid consumers in understanding the terms of the mortgage loan that is the subject of the disclosure. All information will be collected on a voluntary basis and consumers will receive usual and customary compensation for their participation. For the quantitative research, the Bureau plans to contract with a consumer research firm to formulate a quantitative testing plan, recruit respondents, as well as to conduct the testing and provide a report summarizing the results of the research. The results will assist the Bureau in determining the efficacy of the proposed integrated disclosures, in furtherance of the statutory purpose of the integrated disclosures under TILA and RESPA, which is, in part, to aid the consumer in understanding the transaction.

Current Actions: Requesting new OMB approval number.

Type of Review: New collection.

Affected Public: Individuals or Households.

Estimated Number of Responses per year: 2,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours per year: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality,

utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: March 20, 2012.

Chris Willey,

Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2012-7463 Filed 3-27-12; 8:45 am]

BILLING CODE 4810-AM-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2012-0011]

Proposed Collection; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau is soliciting comments on a proposed information collection to test online and print content the Bureau provides to consumers to help them achieve their financial goals and to better understand various financial products and services available to them, pursuant to the Bureau's authorities under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Public Law 111-203.

DATES: Written comments are encouraged and must be received on or before May 29, 2012 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number CFPB-2012-0011, by any of the following methods:

- *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Direct all written comments to Consumer Financial Protection Bureau, 1700 G Street NW., (Attention: Chris Willey, Chief Information Officer), Washington, DC 20552.

Instructions: All submissions must include the agency name and docket number for this notice. In general all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1700 G Street, NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435-7275. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Joseph Durbala, (202) 435-7893, at the Consumer Financial Protection Bureau, (Attention: Joseph Durbala, PRA Clearance Office), 1700 G Street NW., Washington, DC 20552, or through the Internet at Joseph.Durbala@cfpb.gov.

SUPPLEMENTARY INFORMATION:
Title: Generic Clearance for User Testing of Consumer Financial Products and Services.
OMB Control Number: 3170-XXXX.

Abstract: Under the Dodd-Frank Act, the Bureau is responsible for “developing and implementing initiatives intended to educate and empower consumers to make better informed decisions.” The Dodd-Frank Act also directs the Bureau to research, analyze, and report on consumer awareness and understanding of, and behaviors with respect to, financial services and products and the associated costs and benefits.¹ In keeping with the Bureau’s commitment to encouraging evidence-based practices to improve consumer financial outcomes, the Bureau exercises its authorities under the Act to measure the impacts of specific Bureau initiatives aimed at improving consumers’ financial literacy and decision-making skills.

In service of these mandates, the Bureau intends to commission periodic user testing of information the Bureau provides to consumers to help them achieve their financial goals and to better understand various financial products and services available to them. The Bureau will also use this information collection to test methods for communicating that information to better understand the impact of particular information delivery methods’ on the attitudes,

understanding, and behaviors of American adult consumers around issues of financial decision-making. These user testing collections will be conducted either in-person, using spoken prompts and responses, paper-based written and visual prompts and responses; or through online multimedia prompts and responses. The Bureau will employ a qualitative, iterative, testing methodology to assess:

- The quality and impact of written and visual information,
- Methods and media for communicating information, and
- User experience scenarios for using information to assist in financial decision making.

This information will inform the Bureau’s consumer engagement and education efforts, allowing it to improve its delivery of services to consumers and empower them to improve upon their financial-decision-making skills and outcomes.

Current Actions: New generic collection request.

Type of Review: New.

Affected Public: Individuals or Households.

Annual Burden Estimates: Below is a preliminary estimate of the aggregate burden hours for the information collections:

Process	Number of respondents	Number of responses per respondent	Average burden per response minutes	Total burden hours
Internet-based qualitative prototype testing	500	18	3	450
Internet-based qualitative concept testing	500	18	3	450
In-person qualitative prototype testing	500	18	5	750
In-person qualitative concept testing	500	18	5	750
Total	2,000	72	16	2,400

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the proposed 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 the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information

on respondents, including through the use of automated, collection techniques or other forms of information technology.

Dated: March 20, 2012.
Chris Willey,
Chief Information Officer, Bureau of Consumer Financial Protection.
 [FR Doc. 2012-7466 Filed 3-27-12; 8:45 am]
BILLING CODE 4810-AM-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2012-0012]

Proposed Collection; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a proposed information collection, as

¹ 12 U.S.C. s. 5493(b)(1).

required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau is soliciting comments on a proposed information collection to better understand the attitudes, understanding, and behaviors of American adult consumers around issues of consumer finance, pursuant to the Bureau’s authorities under the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act” or “the Act”), Public Law 111–203.

DATES: Written comments are encouraged and must be received on or before May 29, 2012 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number CFPB–2012–0012, by any of the following methods:

- *Electronic:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Direct all written comments to Consumer Financial Protection Bureau, (Attention: Chris Willey, Chief Information Officer), 1700 G Street NW., Washington, DC 20552.

Instructions: All submissions must include the agency name and docket number for this notice. In general all comments received will be posted without change to <http://www.regulations.gov>. In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435–7275. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information

that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Joseph Durbala, (202) 435–7893, at the Consumer Financial Protection Bureau (Attention: Joseph Durbala, PRA Clearance Office), 1700 G Street NW., Washington, DC 20552, or through the Internet at Joseph.Durbala@cfpb.gov.

SUPPLEMENTARY INFORMATION:

Title: Clearance for Consumer Attitudes, Understanding, and Behaviors with Respect to Financial Services and Products.

OMB Number: 3170–XXXX.

Abstract: Under the Dodd-Frank Act, the Bureau is responsible for “developing and implementing initiatives intended to educate and empower consumers to make better informed decisions.”¹ The Dodd-Frank Act also directs the Bureau to research, analyze, and report on consumer awareness and understanding of, and behaviors with respect to, financial services and products and the associated costs and benefits.² In keeping with the Bureau’s commitment to encouraging evidence-based practices to improve consumer financial outcomes, the Bureau exercises its authorities under the Act to measure the impacts of specific Bureau initiatives aimed at improving consumers’ financial literacy and decision-making skills.

In service of these mandates, the Bureau intends to commission a yearly consumer research survey to better understand the attitudes, understanding, and behaviors of American adult consumers around issues of consumer finance. Following the baseline survey in the first year, subsequent surveys will help the Bureau

assess consumers’ awareness of, engagement in, and the ultimate impact of, the Bureau’s efforts to educate and empower consumers to improve their financial decision-making skills and outcomes.

The CFPB expects to collect qualitative data through telephone or Internet based surveys, but the CFPB will consider alternative data collection strategies. The information collected through qualitative evaluation methods will increase the Bureau’s understanding of consumers’ attitudes, understanding, and behaviors with respect to consumer financial products and services. Subsequent surveys will build off the baseline results to help the Bureau assess the impact of specific initiatives on baseline metrics regarding consumer awareness, engagement, and outcomes in relation to those initiatives.

The core objective of the information collection in the first year is to measure consumers’ awareness, understanding, and behaviors with respect to consumer financial services and products. Subsequent years’ surveys will also measure the effectiveness of the Bureau’s efforts to educate and empower consumers. This information will help inform the Bureau’s consumer engagement and education efforts, which will allow the Bureau to improve its delivery of services to consumers with the goal of improving consumers’ financial decision-making skills and outcomes.

Current Actions: New request for a generic collection.

Type of Review: New.

Affected Public: Individuals or Households.

Annual Burden Estimates: Below is a preliminary estimate of the annual aggregate burden hours for the information collections:

Process	Number of respondents	Number of responses per respondent	Average burden per response	Total burden
Internet or phone-based surveys	2,500	20	1 minute	834 hours.
Total	2,500	20	1 minute	834 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the proposed 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 the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility,

and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

¹ 12 U.S.C. s. 5493(d)(1).

² 12 U.S.C. s. 5493(b)(1).

Dated: March 20, 2012.
Chris Willey,
Chief Information Officer, Bureau of Consumer Financial Protection.
 [FR Doc. 2012-7465 Filed 3-27-12; 8:45 am]
BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

Federal Advisory Committee; Defense Intelligence Agency (DIA) Advisory Board; Closed Meeting

AGENCY: DIA, Department of Defense (DoD).

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix 2 (2001)), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102-3.10, DoD hereby announces that the DIA Advisory Board will meet on May 2, 2012. The meeting is closed to the public. The meeting necessarily includes discussions of classified information relating to DIA's intelligence operations including its support to current operations.
DATES: The meeting will be held on May 2, 2012 (from 8:30 a.m. to 3:30 p.m.).
ADDRESSES: The meeting will be held at Joint-Base Bolling-Anacostia, Washington, DC.
FOR FURTHER INFORMATION CONTACT: Mr. Mark Harrison, (703) 697-5102,

Alternate Designated Federal Official, DIA Office for Congressional and Public Affairs, Pentagon 1A874, Washington, DC 20340-5100.

Committee's Designated Federal Official: Mr. William Caniano, (703) 614-4774, DIA Office for Congressional and Public Affairs, Pentagon 1A874, Washington, DC 20340-5100.
William.Caniano@dodis.mil.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting

For the Advisory Board to discuss DIA operations and capabilities in support of current intelligence operations.

Agenda

May 2, 2012

8:30 a.m.	Convene Advisory Board Meeting and Administrative Business.	Mr. William Caniano, Designated Federal Official Mrs. Mary Margaret Graham, Chairman.
9:00 a.m.	Subcommittee Business	
10:15 a.m.	Break	
10:30 a.m.	DIA Agency Event	DIA Personnel.
11:45 a.m.	Lunch	
1:00 p.m.	Briefings and Discussion	LTG Burgess, Director, DIA.
2:30 p.m.	Break	
2:45 p.m.	Discussions and Deliberations	Mr. William Caniano, Designated Federal Official Mrs. Mary Margaret Graham, Chairman.
3:30 p.m.	Adjourn	

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.155, the Director, DIA, has determined that the all meetings shall be closed to the public. The Director, DIA, in consultation with the DIA Office of the General Counsel, has determined in writing that the public interest requires that all sessions of the Board's meetings be closed to the public because they include discussions of classified information and matters covered by 5 U.S.C. 552b(c)(1).

Written Statements

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, and section 10(a)(3) of the Federal Advisory Board Committee Act of 1972, the public or interested organizations may submit written statements at any time to the DIA Advisory Board regarding its missions and functions. All written statements shall be submitted to the Designated Federal Official for the DIA Advisory Board. The Designated Federal Official will ensure that written statements are provided to the Board for its consideration. Written statements may also be submitted in response to the stated agenda of planned board meetings. Statements submitted in response to this notice must be received by the Designated Federal Official at least five calendar days prior to the

meeting which is the subject of this notice. Written statements received after that date may not be provided or considered by the Board until its next meeting. All submissions provided before that date will be presented to the Board before the meeting that is subject of this notice. Contact information for the Designated Federal Official is listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: March 23, 2012.
Aaron Siegel,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
 [FR Doc. 2012-7411 Filed 3-27-12; 8:45 am]
BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review; Office of Postsecondary Education; Child Care Access Means Parents in School Program Annual Performance Report

Summary: This is a revision of the Child Care Access Means Parent In School Program (CCAMPIS) Annual Performance Report (APR) which grantees must submit annually. The report provides the Department of Education with information needed to

evaluate a grantee's performance and compliance with program requirements in accordance with the program authorizing statute.

Dates: Interested persons are invited to submit comments on or before April 27, 2012.

Addresses: Written comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202-4537. Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the "Browse Pending Collections" link and by clicking on link number 04790. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202-401-0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information

Relay Service (FIRS) at 1-800-877-8339.

Supplementary Information: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Child Care Access Means Parents in School Program Annual Performance Report.

OMB Control Number: 1840-0763.

Type of Review: Revision.

Total Estimated Number of Annual Responses: 153.

Total Estimated Number of Annual Burden Hours: 1,071.

Abstract: The data collected is aggregated to provide national information on project participants and the results demonstrated by program outcomes. The burden hours are increased due to additional queries have been added to the APR that capture more specific data needed to enhance the understanding of results demonstrated by this program in accordance with OMB mandates.

Dated: March 23, 2012.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2012-7476 Filed 3-27-12; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Equity and Excellence Commission

AGENCY: U.S. Department of Education.

ACTION: Notice; Advisory Committee Meeting Cancellation.

SUMMARY: The Department of Education gives notice of the cancellation of the Meeting of the Equity and Excellence Commission scheduled for March 29, 2012 and announced in the **Federal Register** on March 14, 2012 in Vol. 77 No. 50.

The meeting will be rescheduled for a date to be announced in the future.

FOR FURTHER INFORMATION CONTACT: Jim Eichner, Designated Federal Official, Equity and Excellence Commission, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202. Email: equitycommission@ed.gov. Telephone: (202) 453-5945.

Sandra Battle,

Deputy Assistant Secretary for Enforcement, Office for Civil Rights.

[FR Doc. 2012-7376 Filed 3-27-12; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Efficiency and Renewables Advisory Committee (ERAC); Correction

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open meeting; Correction.

SUMMARY: The Department of Energy (DOE), on March 15, 2012, published a notice of open meeting announcing an open meeting of the Efficiency and Renewables Advisory Committee (ERAC). The meeting date has been extended to include April 18, 2012. As a result, the language is being corrected in this notice.

Corrections

In the **Federal Register** of March 15, 2012, in FR DOC. 2012-6270, on page 15362, please make the following corrections:

In the **DATES** heading, first column, first line, before the existing text, please add "Wednesday, April 18, 2012, 1 p.m.-4:30 p.m. (EDT)."

In the **ADDRESSES** heading, first column, second line, please remove "Room 8E-089" and add in its place "Room 1E-245 and Room 8E-089, on April 18 and April 19 respectively".

In the **SUPPLEMENTARY INFORMATION** heading, *Public Participation*, second column, first paragraph, fifth line, correct the second sentence to read "The public comment period will take place between 2:30 p.m. and 3 p.m. on the second day of the meeting, Thursday, April 19, 2012."

Issued in Washington, DC, on March 22, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012-7426 Filed 3-27-12; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology (PCAST)

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of Open Teleconference.

SUMMARY: This notice sets forth the schedule and summary agenda for an open conference call of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA), Public Law 92-463; 86 Stat. 770. The purpose of this conference call is to discuss PCAST's Advanced Manufacturing Partnership report.

DATES: The public conference call will be held on Monday, April 16, 2012; 4:30 p.m. to 5 p.m., Eastern Standard Time (EST). To receive the call-in information, attendees should register for the conference call on the PCAST Web site, <http://www.whitehouse.gov/ostp/pcast> no later than 12 p.m. (EST) on Thursday, April 12, 2012.

FOR FURTHER INFORMATION CONTACT: Information regarding the meeting agenda, time, and how to register for the meeting is available on the PCAST Web site at: <http://whitehouse.gov/ostp/pcast>. Questions about the conference call should be directed to Dr. Deborah D. Stine, PCAST Executive Director, by email: dstine@ostp.eop.gov; or telephone: (202) 456-6006.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology (PCAST) is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from inside the White House and from cabinet departments and other Federal agencies. See the Executive Order at <http://www.whitehouse.gov/ostp/pcast>. PCAST is consulted about and provides analyses and recommendations concerning a wide range of issues where understandings from the domains of science, technology, and innovation may bear on the policy choices before the President. PCAST is co-chaired by Dr. John P. Holdren, Assistant to the President for Science and Technology,

and Director, Office of Science and Technology Policy, Executive Office of the President, The White House; and Dr. Eric S. Lander, President, Broad Institute of the Massachusetts Institute of Technology and Harvard.

Type of Meeting: Open.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology (PCAST) is scheduled to hold a conference call in open session on April 16, 2012, from 4:30 p.m. to 5 p.m. (EST)

During the conference call, PCAST will discuss its Advanced Manufacturing Partnership report. Additional information and the agenda, including any changes that arise, will be posted at the PCAST Web site at:

<http://whitehouse.gov/ostp/pcast>.

Public Comments: It is the policy of the PCAST to accept written public comments of any length, and to accommodate oral public comments, whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on April 16, 2012, at a time specified in the meeting agenda posted on the PCAST Web site at <http://whitehouse.gov/ostp/pcast>. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at <http://whitehouse.gov/ostp/pcast>, no later than 12 p.m. (EST) on April 12, 2012. Phone or email reservations to be considered for the public speaker list will not be accepted. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 15 minutes. If more speakers register than there is space available on the agenda, PCAST will randomly select speakers from among those who applied. Those not selected to present oral comments may always file written comments with the committee, as described below.

Written Comments: Although written comments are accepted until the date of the meeting, written comments should be submitted to PCAST no later than 12 p.m. (EST) on April 12, 2012, so that the comments may be made available to the PCAST members prior to the meeting for their consideration. Information regarding how to submit comments and documents to PCAST is available at

<http://whitehouse.gov/ostp/pcast> in the section entitled "Connect with PCAST."

Please note that because PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST Web site.

Meeting Accommodations: Individuals requiring special accommodation to access this public meeting should contact Dr. Stine at least ten business days prior to the meeting so that appropriate arrangements can be made.

Issued in Washington, DC, on March 22, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012-7433 Filed 3-27-12; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

U.S. Energy Information Administration

Proposed Agency Information Collection

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Proposed Information Collection; Notice and Request for Comments.

SUMMARY: The EIA invites public comment on a proposed collection of information that EIA is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. The EIA is soliciting comments on the proposed reinstatement of the Forms EIA-871A-J, "2012 Commercial Buildings Energy Consumption Survey."

The Federal Energy Administration Act of 1974 (Pub. L. 93-275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95-91, 42 U.S.C. 7101 *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer-term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) under Section 3507(a) of the Paperwork Reduction Act of 1995.

The Commercial Buildings Energy Consumption Survey (CBECS) has been conducted nine times covering the years 1979, 1983 and 1986 under the name of the "Nonresidential Buildings Energy Consumption Survey," and years 1989, 1992, 1995, 1999, 2003, and 2007 under the current name, "Commercial Buildings Energy Consumption Survey." CBECS collects baseline data on energy consumption and expenditures in commercial buildings, and on the energy-related characteristics of those buildings. To obtain this information, interviews are conducted for a sample of commercial buildings representing the 50 States and the District of Columbia. For buildings in the survey, data are collected on the types, amount and cost of energy consumed in the building, how the energy is used, structural characteristics of the buildings, activities conducted inside the buildings that relate to energy use, building ownership and occupancy, energy conservation measures, and energy-using equipment. The information will be collected using computer assisted interviewing for the 2012 CBECS; interviews will be conducted both in-person and by telephone. For those buildings that cannot provide energy consumption data for the building, the data will be obtained in a follow-up survey (historically a mail survey) from the suppliers of electricity, natural gas, fuel oil and/or district heat to the building, after receiving permission from the building owner, manager or tenant. This survey to the energy suppliers is mandatory. The data obtained from the CBECS are available to the public in a variety of EIA electronic tables and reports at <http://www.eia.gov/emeu/cbecs>. Public use files that have been screened to protect the identity of the individual respondents are also available electronically at the above web address. Selected data from the surveys

are also published in the *Annual Energy Review*.

DATES: Comments regarding this proposed information collection must be received on or before May 29, 2012. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** below as soon as possible.

ADDRESSES: Send comments to Joelle Michaels. To ensure receipt of the comments by the due date, submission by email is recommended (joelle.michaels@eia.gov). Comments may also be submitted by mail to Joelle Michaels, Survey Manager, EI-22, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Alternatively, Ms. Michaels may be contacted by telephone at (202) 586-8952.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Ms. Michaels at the contact information given above.

SUPPLEMENTARY INFORMATION: This information collection contains:

- (1) OMB No. 1905-0145.
- (2) *Information Collection Request Title:* EIA-871A-J, "Commercial Building Energy Consumption Survey".
- (3) *Type of Request:* Reinstatement with change, of a previously approved collection for which approval has discontinued.
- (4) *Purpose:* Need for and proposed use of the information: The EIA-871A-J is used to collect data on energy consumption by commercial buildings and the characteristics of these buildings. The surveys fulfill planning, analyses and decision-making needs of DOE, other Federal agencies, State governments, and the private sector. Respondents are owners/managers of selected commercial buildings and their energy suppliers. Response obligations are Voluntary (buildings) and Mandatory (energy suppliers).

This will be a proposed reinstatement of a previously approved collection and three-year clearance request to OMB. The content of the 2012 CBECS will be largely unchanged from the 2007 CBECS. The sampling frame, which was redesigned for the 2003 CBECS, will be updated to account for new construction since 2003.

The EIA proposes the following changes to EIA-871A-J, "Commercial Building Energy Consumption Survey":

a. The sample size for the 2012 CBECS will be 50 percent larger relative to the previous CBECS. The increase in sample size will allow for fewer cell suppressions in published tables, better capture of emerging energy phenomena,

lower relative standard errors (RSEs) for key statistics for publishable sample domains, more publishable data for more principal building activities, and more releasable microdata on the public use dataset.

b. Previous CBECS designs have relied on *in-person* personal interviews for data collection. In 2007, field interviewers needed an average of six contacts to complete a building interview; this process can be time-consuming and costly when done *in-person*. For 2012, certain respondents (large buildings for which contact information is usually available) will be initially contacted by telephone. All respondents will be given the option to complete the interview by phone. The balance of interviews will remain personal interviews.

c. Water usage questions introduced in the 2007 will be revised and remain in the 2012 CBECS. The Office of Wastewater Management within the U.S. Environmental Protection Agency (EPA) sponsored questions related to water use on the 2007 CBECS. The water-energy use connections are strong, and there is limited data about how water is actually used in commercial buildings. Getting better information on how water is used by commercial buildings is the first step toward understanding commercial water use and the energy impact of that use. The revisions to the water questions are based on extensive review by EIA on the data that were collected in 2007. The proposed changes will make the interview proceed more smoothly through the water questions and result in cleaner data.

d. Based upon a recommendation from the National Academy of Sciences, approximately 200 buildings will receive an "energy audit." The main objective will be to support a cost and data quality comparison between data collected by field interviewers and professional energy auditors.

e. Based on review of the 2007 CBECS and consultation with data users, refining and reformatting of the Building Questionnaire (Form EIA-871A), Mall Building Questionnaire (EIA-871I) and the Mall Establishment Questionnaire (EIA-871J) is occurring. Some changes have been made already, and more are expected. For the 2012 CBECS questionnaire, wording changes will be made, clarifying definitions will be added, and response categories will be refined. Edits will be added to the survey instrument to help preclude call-backs to respondents.

(5) *Annual Estimated Number of Respondents:* 5,142.

(6) *Annual Estimated Number of Total Responses:* 5,142.

(7) *Annual Estimated Number of Burden Hours:* 3,759.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$0. There are no additional costs to respondents associated with the survey other than the costs associated with the burden hours.

Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item (4). The following guidelines are provided to assist in the preparation of comments. Please indicate to which form(s) your comments apply.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent to the Request for Information

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information to be collected?

B. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

C. Can the information be submitted by the due date?

D. Public reporting burden for this collection is estimated to average approximately 55 minutes per interview for the building respondent (Form EIA-871A), 25 minutes per interview for the mall building respondent (Form EIA-871I), 45 minutes per interview for the mall establishment respondent (Form EIA-871A), and approximately 30 minutes per energy supplier response in those cases where the data must be collected from the energy suppliers (Forms EIA-871C-F). The estimated burden includes the total time necessary to provide the requested information. In your opinion, how accurate is this estimate?

E. The agency estimates that the only cost to a respondent is for the time it will take to complete the collection. Will a respondent incur any start-up costs for reporting, or any recurring

annual costs for operation, maintenance, and purchase of services associated with the information collection?

F. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

G. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User of the Information To Be Collected

A. What actions could be taken to help ensure and maximize the quality, objectivity, utility, and integrity of the information disseminated?

B. Is the information useful at the levels of detail to be collected?

C. For what purpose(s) would the information be used? Be specific.

D. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They will also become a matter of public record.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Public Law 93-275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, March 22, 2012.

Renee Miller,

Acting Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2012-7424 Filed 3-27-12; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2216-079]

Notice of Application for Non-Capacity Amendment of License and Soliciting Comments, Motions To Intervene, and Protests: Power Authority of the State of New York

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. Application Type: Non-Capacity Amendment of License.

b. Project No.: 2216-079.

c. Date Filed: December 15, 2011 and supplemented on February 15, 2012.

d. Applicant: Power Authority of the State of New York.

e. Name of Project: Niagara Power Project.

f. Location: On the Niagara River, in the City of Niagara Falls and the Towns of Niagara and Lewiston in Niagara County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791a-825r.

h. Applicant Contact: Mr. John J. Suloway, Vice President, Licensing, Acquisition and Project Development, New York Power Authority, 123 Main Street, 9th Floor, White Plains, New York 10601, (914) 287-3971.

i. FERC Contact: Jake Tung, (202) 502-8757, email at hong.tung@ferc.gov.

j. Deadline for filing comments, motions to intervene, and protest: April 4, 2012.

Comments, motions to intervene, and protests may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "eFiling" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. For more information on how to submit these types of filings, please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>.

k. Description of Request: The applicant proposes to rehabilitate the twelve 50-year-old, 20 MW pump-turbine/motor generator units at the Lewiston Pumped Storage Development by: (1) Installing new high efficiency turbine runners, replacing runner seals, replacing or modifying head covers; (2) conducting non-destructive examination and possible rehabilitation and modification of shafts; (3) overhauling the operating mechanism, replacing wicket gates, and inspection and rehabilitation of stay rings; and (4) planning major maintenance for the motor/generators, replacing main transformers and exciters, circuit breakers, unit control boards and governors. The applicant proposed timelines for rehabilitating the 12 turbine units will start in December 2012 for the first unit and complete the last (12th) unit in November 2020. The proposed rehabilitation would increase the turbine hydraulic capacity by approximately 300 cfs per unit and the generating capacity by approximately 2 MW per unit.

l. Locations of the Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room,

located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—All filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. Agency Comments: Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 21, 2012.

Kimberly D. Bose,
Secretary.

[FR Doc. 2012-7381 Filed 3-27-12; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2005-0120, EPA-HQ-OAR-2005-0121, and EPA-HQ-OAR-2004-0060; FRL-9652-9]

Agency Information Collection Activities: Proposed Collections; Request for Comment on Three Proposed Information Collection Requests (ICRs)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew three existing approved Information Collection Requests (ICRs) to the Office of Management and Budget (OMB). These ICRs are scheduled to expire between July 31, 2012 and August 31, 2012. Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of these proposed information collection requests as described below.

DATES: Comments must be submitted on or before *May 29, 2012*.

ADDRESSES: Submit your comments, identified by the Docket ID numbers provided for each item in the text, by one of the following methods:

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

- *Email*: a-and-r-Docket@epa.gov.

- *Fax*: (202) 566-9744.

- *Mail*: Air Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

- *Hand Delivery*: Docket Center, (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to the Docket ID Numbers identified for each item in the text. 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT:

Nydia Yanira Reyes-Morales, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Mail Code 6403J, Washington, DC 20460; telephone number: 202-343-9264; fax number: 202-343-2804; email address: reyes-morales.nydia@epa.gov.

SUPPLEMENTARY INFORMATION:

How can I access the docket and/or submit comments?

EPA has established a public docket for each of the ICRs identified in this document (see the Docket ID numbers for each ICR that are provided in the text), which is available for online viewing at www.regulations.gov, or in person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air Docket is 202-566-1742.

Use www.regulations.gov to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in

the Docket ID number identified in this document.

What information is EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What information collection activity or ICR does this apply to?

Docket ID No.: EPA-HQ-OAR-2005-0120

Affected entities: Entities potentially affected by this action are large on-highway heavy-duty engine and vehicle manufacturers.

Title: Nonconformance Penalties for Heavy-Duty Engines and Heavy-Duty Vehicles, Including Light-Duty Trucks; Reporting and Recordkeeping Requirements (Renewal).

ICR numbers: EPA ICR No. 1285.08, OMB Control No. 2060-0132.

ICR status: This ICR is currently scheduled to expire on July 31, 2012. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Nonconformance penalties (NCP) provisions allow a manufacturer to introduce into commerce heavy-duty engines (HDEs) or heavy-duty vehicles (HDVs), including light-duty trucks (LDTs), which fail to conform to certain emission standards, upon payment of a monetary penalty. The information collection activities for the NCP program include the collection of periodic reports and other information which the manufacturer creates and submits to the Diesel Engine Compliance Center (DECC), Compliance Division (CD), Office of Transportation and Air Quality (OTAQ), Office of Air and Radiation (OAR), of the U.S. Environmental Protection Agency (EPA). DECC uses this information to ensure that manufacturers are in compliance with applicable regulations and the Clean Air Act (CAA) and have paid the appropriate penalties. The information submitted in the manufacturers' NCP reports is stored in DECC's computer tracking system to ensure accurate accounting of NCP payments. Since nonconformance penalties and associated Production Compliance Audits (PCA) are an option selected by manufacturers, EPA cannot be certain how many engine families manufacturers will request to be included in the NCP program each year. Likewise, we cannot be certain of the

number of PCAs that will be conducted each model year. However, EPA estimates for ICR purposes, that six engine families will be included in the NCP program each model year.

Besides DECC, this information could be used by the Office of Enforcement and Compliance Assurance (OECA) and the Department of Justice for enforcement purposes. Non-Confidential Business Information (CBI) information may be disclosed upon request under the Freedom of Information Act to trade associations, environmental groups, and the public.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 589 hours per year. 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.

The ICR provides a detailed explanation of the Agency's estimate, which is under review and briefly summarized here:

Estimated total number of potential respondents: 2.

Frequency of response: Quarterly, Annually, On Occasion.

Estimated total average number of responses for each respondent: 26.

Estimated total annual burden hours: 1,178 hours.

Estimated total annual costs: \$94,999. This includes an estimated burden cost of \$76,819.28 and an estimated cost of \$18,180.00 for capital investment or maintenance and operational costs.

Docket ID No.: EPA-HQ-OAR-2005-0121

Affected entities: Entities potentially affected by this action are manufacturers, importers or vendors of on-road heavy duty vehicles, and all categories of nonroad engines and nonroad equipment.

Title: Exclusion Determinations for New Nonroad Spark-ignited, New Nonroad Compression-ignited Engines,

and New On-road Heavy Duty Engines (Renewal).

ICR numbers: EPA ICR No. 1852.05, OMB Control No. 2060-0395.

ICR status: This ICR is currently scheduled to expire on July 31, 2012. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Under the provisions of the Clean Air Act (CAA), the Administrator is required to promulgate regulations to control air pollutant emissions from motor vehicles and nonroad engines, as defined in the CAA. Motor vehicles and non-road engines not meeting the applicable definitions are excluded from compliance with current regulations. A manufacturer may make an exclusion determination by itself; however, manufacturers and importers may routinely request EPA to make such determination to ensure that their determination does not differ from the Agency's. To request an exclusion determination, manufacturers submit a letter with a description of the engine and/or vehicle (engine type, horsepower rating, intended usage, etc.) and sales brochures or pictures, to either the Gasoline Engine Compliance Center (GECC) or the Diesel Engine Compliance Center (DECC). Both Centers are part of Compliance Division (CD), Office of Transportation and Air Quality (OTAQ). GECC and DECC use this information to determine whether the engine or vehicle is excluded from compliance with one or more emission regulations. GECC and DECC then store the data in its internal files, and make it available to the public upon request under the Freedom of Information Act.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average seven 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.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 12.

Frequency of response: Annual or On Occasion.

Estimated total average number of responses for each respondent: 3.

Estimated total annual burden hours: 69.

Estimated total annual costs: \$5,654. This includes an estimated burden cost of \$5,538 and an estimated cost of \$116 for capital investment or maintenance and operational costs.

Docket Number: EPA-HQ-OAR-2004-0060

Affected entities: Entities potentially affected by these actions are manufacturers of nonroad spark-ignition engines, including marine spark ignition engines.

Title: Emissions Certification and Compliance Requirements for Nonroad Spark-Ignition Engines.

EPA ICR Number: 1695.10, OMB Control Number 2060-0338.

Abstract: This ICR is currently scheduled to expire on August 31, 2012. This information collection is requested under the authority of Title II of the Clean Air Act (42 U.S.C. 7521 et seq.). Under this Title, EPA is charged with issuing certificates of conformity for those engines which comply with applicable emission standards. Such a certificate must be issued before engines may be legally introduced into commerce. To apply for a certificate of conformity, manufacturers are required to submit descriptions of their planned production line, including detailed descriptions of the emission control system, and test data. This information is organized by "engine family" groups expected to have similar emission characteristics. The emission values achieved during certification testing may also be used in the Averaging, Banking, and Trading (ABT) Program. The program allows manufacturers to bank credits for engine families that emit below the standard and use the credits for families that emit above the standard. They may also trade banked

credits with other manufacturers. Participation in the ABT program is voluntary. Different categories of spark-ignition engines may also be required to comply with production-line testing and in-use testing. There are also recordkeeping and labeling requirements. In this notice, former ICR 1722.06 ("Emission Certification and Compliance Requirements for Spark-Ignition Marine Engine, OMB Control Number 2060-0321) and portions of former ICR 2251.03 (Control of Emissions from Nonroad Spark-Ignition Engines and Equipment, OMB Control Number 2060-0603) are being incorporated into ICR 1695.10. This action is undertaken to consolidate certification and compliance information requirements for spark-ignition engines into one ICR for simplification. With this consolidation, we combine all the certification and compliance burden associated with the spark-ignition engine industry.

This information is collected electronically by the Gas Engine Compliance Center (GECC), Compliance Division, Office of Transportation and Air Quality (OTAQ), Office of Air and Radiation of the U.S. Environmental Protection Agency. GECC uses this information to ensure that manufacturers are in compliance with applicable regulations and the Clean Air Act (CAA). It may also be used by the Office of Enforcement and Compliance Assurance (OECA) and the Department of Justice for enforcement purposes. Non-Confidential Business Information (CBI) may be disclosed on OTAQ's Web site or upon request under the Freedom of Information Act to trade associations, environmental groups, and the public.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 127 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.

The ICR provides a detailed explanation of the Agency's estimate, which is under review and briefly summarized here (the following numbers represent consolidated burden for the three combined ICRs):

Estimated total number of potential respondents: 864.

Frequency of response: Annual or On Occasion.

Estimated total average number of responses for each respondent: 3.14.

Estimated total annual burden hours: 345,159.

Estimated total annual costs: \$41,396,380. This includes an estimated burden cost of \$22,146,947 and an estimated cost of \$19,249,433 for capital investment or maintenance and operational costs.

Are there changes in the estimates from the last approval?

To date, there are no changes in the number of hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. However, EPA is still evaluating information that may lead to a change in the estimates.

What is the next step in the process for these ICRs?

EPA will consider the comments received and amend the ICRs as appropriate. The final ICR packages will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: March 16, 2012.

Byron J. Bunker,

Acting Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2012-7478 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OA-2008-0701; FRL- 9514-3]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Focus Groups as Used By EPA for Economics Projects (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before April 27, 2012.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OA-2008-0701, to (1) EPA online using www.regulations.gov (our preferred method), by email to oei.docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 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: Nathalie Simon, National Center for Environmental Economics, Office of Policy, (1809T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202-566-2347; fax number: 202-566-2363; email address: simon.nathalie@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 October 7, 2011 (76 FR 62400), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA EPA-HQ-OA-2008-0701, which is available for online viewing at www.regulations.gov, or in person viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 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 OEI Docket is 202-566-1752.

Use EPA's electronic docket and comment system at www.regulations.gov, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at www.regulations.gov as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: Focus Groups as Used by EPA for Economics Projects (Renewal).

ICR numbers: EPA ICR No. 2205.07, OMB Control No. 2090-0028.

ICR Status: This ICR is scheduled to expire on March 31, 2012. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The EPA is seeking renewal of a generic information collection request (ICR) for the conduct of focus groups and one-on-one interviews primarily related to survey development for economics projects. Focus groups are groups of individuals brought together for moderated discussions on a specific topic or issue. These groups are typically formed to gain insight and understanding of attitudes and perceptions held by the public surrounding a particular issue. One-on-one interviews, as the term implies, are individual interviews in which a respondent is generally asked to review materials and provide feedback on their content and design as well as the thought processes that the materials invoke.

Focus groups and one-on-one interviews (hereafter referred to

collectively as "focus groups") used as a qualitative research tool have three major purposes:

- To better understand respondents' attitudes, perceptions and emotions in response to specific topics and concepts;
- To obtain respondent information useful for better defining variables and measures in later quantitative studies; and
- To further explore findings obtained from quantitative studies.

Through these focus groups, the Agency will be able to gain a more in-depth understanding of the public's attitudes, beliefs, motivations and feelings regarding specific issues and will provide invaluable information regarding the quality of draft survey instruments. Focus group discussions are necessary and important steps in the design of a quality survey. The target population for the focus group discussions will vary by project, but will generally include members of the general public. Participation in the focus groups will be completely voluntary. Each focus group will fully conform to federal regulations—specifically the Privacy Act of 1974 (5 U.S.C. 552a), the Hawkins-Stafford Amendments of 1988 (Pub. L. 100-297), and the Computer Security Act of 1987.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2 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: Individuals.

Estimated Number of Respondents: 2,066 over three years or 689 per year.

Frequency of Response: 1.

Estimated Total Annual Hour Burden: 1,359.

Estimated Total Annual Cost: \$41,394, includes \$0 annualized capital or O&M costs. Changes in the Estimates:

There is an increase of 573 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is based on new estimates provided by the program offices at EPA on their projected use of focus groups.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012-7367 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2012-0172; FRL-9341-7]

Fluxapyroxad; Receipt of Application for Emergency Exemption for Use on Rice in Louisiana, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Louisiana Department of Agriculture and Forestry to use the pesticide fluxapyroxad (CAS No. 907204-31-3) to treat up to 40,000 acres of rice to control sheath blight caused by the fungus, *Rhizoctonia solani*. The applicant proposes the use of a new chemical which has not been registered by the EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before April 12, 2012.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2012-0172, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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

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

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2012-

0172. EPA's policy is that all comments received will be included in the docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through 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 docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Debra Rate, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 306-0309; fax number: (703) 605-

0781; email address: rate.debra@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a

Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. Louisiana Department of Agriculture and Forestry has requested the Administrator to issue a specific exemption for the use of fluxapyroxad on rice to control sheath blight caused by the fungus *Rhizoctonia solani*. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts that fluxapyroxad is needed to control sheath blight in rice caused by the fungus *Rhizoctonia solani*. *Rhizoctonia solani* has developed resistance to the fungicides typically used to control the resulting sheath blight, thus leading to a lack of alternative and effective control practices. Without the requested

chemical control, fluxapyroxad, Louisiana has stated that economic losses to rice growers could range from 21% to 27%, with as much as 50% on very susceptible varieties. An additional 10% to 15% reduction in grain quality could also be experienced.

The Applicant proposes to make no more than two applications per year at a rate of 4.5 oz. formulated product (0.087 lb fluxapyroxad)/acre/application to a maximum of 40,000 acres of rice during the 2012 growing season in the state of Louisiana. At total of 2,812.5 gallons (6,960 lbs fluxapyroxad) may be used.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by EPA. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the Louisiana Department of Agriculture and Forestry.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 16, 2012.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2012-7443 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9653-2]

National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Committee Act, Public Law 92-463, EPA gives notice of a meeting of the National Advisory Committee (NAC) and Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC). The National and Governmental Advisory Committees advise the EPA Administrator in her capacity as the

U.S. Representative to the CEC Council. The Committees are authorized under Articles 17 and 18 of the North American Agreement on Environmental Cooperation (NAAEC), North American Free Trade Agreement Implementation Act, Public Law 103-182, and as directed by Executive Order 12915, entitled "Federal Implementation of the North American Agreement on Environmental Cooperation." The NAC is composed of 13 members representing academia, environmental non-governmental organizations, and private industry. The GAC consists of 12 members representing state, local, and Tribal governments. The Committees are responsible for providing advice to the U.S. Representative on a wide range of strategic, scientific, technological, regulatory, and economic issues related to implementation and further elaboration of the NAAEC.

The purpose of the meeting is to provide advice on the Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the NAAEC and to discuss other trans-boundary environmental and trade issues. The meeting will also include a public comment session. A copy of the agenda will be posted at <http://www.epa.gov/ofacmo/nacgac-page.htm>.

DATES: The National and Governmental Advisory Committees will hold an open meeting on Thursday, April 26, 2012, from 8:30 a.m. to 5 p.m., and Friday, April 27, from 8:30 a.m. until 2 p.m.

ADDRESSES: The meeting will be held at the U.S. EPA, Conference Room 1117A, located in the EPA East Building, 1201 Constitution Ave. NW., Washington, DC 20004. Telephone: 202-564-2294. The meeting is open to the public, with limited seating on a first-come, first-served basis. If you plan to attend, please register with Ms. Stephanie McCoy, by no later than April 20th by calling 202-564-2294 or via email at mccoy.stephanie@epa.gov. Please provide your name, organization, address and telephone number.

FOR FURTHER INFORMATION CONTACT: Oscar Carrillo, Designated Federal Officer, carrillo.oscar@epa.gov, 202-564-0347, U.S. EPA, Office of Federal Advisory Committee Management and Outreach (1601-M), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Requests to make oral comments, or provide written comments to the Committees, should be sent to Oscar Carrillo, Designated Federal Officer, at the contact information above.

Meeting Access: For information on access or services for individuals with disabilities, please contact Oscar

Carrillo at 202-564-0347 or carrillo.oscar@epa.gov. To request accommodation of a disability, please contact Oscar Carrillo, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: March 20, 2012.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. 2012-7471 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9653-1]

Notification of Two Public Teleconferences of the Science Advisory Board; Libby Amphibole Asbestos Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces two public teleconferences of the SAB Libby Amphibole Asbestos Panel to discuss the Panel's draft review report of EPA's Toxicological Review of Libby Amphibole Asbestos (*August 2011 Draft*).

DATES: The SAB Libby Amphibole Asbestos Review Panel will conduct public teleconferences on May 1, 2012 and May 8, 2012. The teleconferences on these dates will begin at 1 p.m. and end at 4 p.m. (Eastern Daylight Time).

ADDRESSES: The public teleconferences will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the public teleconferences may contact Dr. Diana Wong, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564-2049 or via email at wong.diana-M@epa.gov. General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA) codified at 42 U.S.C. 4365, to provide independent scientific and technical peer review, advice, consultation, and recommendations to the EPA Administrator on the technical basis for EPA actions. As a Federal

Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Libby Amphibole Asbestos Panel will hold two public teleconferences to discuss its draft review report of EPA's draft Toxicological Review of Libby Amphibole Asbestos (*August 2011*). The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The EPA's National Center for Environmental Assessment (NCEA) within the Office of Research and Development (ORD) has requested SAB to review EPA's Draft Toxicological Review of Libby Amphibole Asbestos in Support of Summary Information on the Integrated Risk Information System (IRIS). The draft assessment evaluates cancer and noncancer health hazards and exposure-response of Libby amphibole asbestos. The SAB Libby Amphibole Asbestos Review Panel previously held a face-to-face meeting on February 6-8, 2012 to discuss its review comments on EPA's draft Toxicological Review of Libby Amphibole Asbestos (*August 2011*). Background information about this SAB review can be found on the SAB Web site at http://yosemite.epa.gov/sab/sabproduct.nsf/fedgrstr_activites/Libby%20Cancer%20Assessment?OpenDocument.

The purpose of the upcoming teleconferences is for the SAB Libby Amphibole Asbestos Review Panel to discuss its draft review report.

Availability of the review materials: Agendas and materials in support of the teleconferences will be placed on the SAB Web site at <http://www.epa.gov/sab> in advance of the teleconferences. For technical questions and information concerning EPA's Draft Toxicological Review of Libby Amphibole Asbestos (*August 2011*), please contact Dr. Danielle DeVoney, of EPA's National Center for Environmental Assessment (NCEA), by phone (703) 347-8558, or via email at devoney.daniel@epa.gov; or Dr. Bob Benson, of EPA Region 8, by phone (303) 312-7070, or via email at benson.bob@epa.gov.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including

scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. Input from the public to the SAB will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for the SAB panel to consider or if it relates to the clarity or accuracy of the technical information.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker. Interested parties should contact Dr. Diana Wong, DFO, in writing (preferably via email), at the contact information noted above, by April 24, 2012 to be placed on the list of public speakers for the May 1, 2012 public teleconference. **Written Statements:** Written statements should be received in the SAB Staff Office by April 24, 2012 so that the information may be made available to the SAB Panel for their consideration. Written statements should be supplied to the DFO in electronic format via email (acceptable file formats: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format). It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Diana Wong at the phone number or email address noted above, preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: March 21, 2012.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2012-7494 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9653-4]

Clean Water Act Section 303(d): Proposed Withdrawal of Nine Total Maximum Daily Loads (TMDLs)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed withdrawal of nine TMDLs.

SUBJECT: The EPA hereby issues notice of the proposed withdrawal of nine final Total Maximum Daily Loads (TMDLs) for Chloride, Sulfate, and Total Dissolved Solids (TDS) for the Bayou de L'Outre Watershed in Arkansas. The EPA proposes to withdraw the Bayou de L'Outre TMDLs due to the discovery of inconsistencies in the values used to derive the flow and load duration curves, resulting in the calculation of TMDLs which do not accurately reflect

the loading capacity of the segments. Any future withdrawal action will not affect seven final TMDLs published under the same **Federal Register** notice (see 76 FR 52947) which pertain to segments 08040203-010, 08040204-006, and 08040206-015, -016, -716, -816, -916.

DATES: Comments on the proposed withdrawal action must be submitted in writing to the EPA on or before April 27, 2012.

ADDRESSES: Comments on the proposed withdrawal action of the Bayou de L'Outre TMDLs should be sent to Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue Dallas, TX 75202-2733, or emailed to *smith.diane@epa.gov*. The administrative record files for the nine TMDLs are available for public inspection at the previously listed

address. Please contact Diane Smith (via mail, email, or by calling (214) 665-2145) to schedule an inspection or to obtain copies of relevant supporting documents. Documents from the administrative record files may also be viewed at <http://www.epa.gov/region6/water/npdes/tmdl/index.htm>.

SUPPLEMENTARY INFORMATION: The TMDLs were developed under EPA Contract Number 68-C-02-108. The **Federal Register** notice of availability, seeking public comments on the draft TMDLs, was published on December 17, 2007 (see 72 FR 71409). Public comments were received by January 16, 2008, and a response to each comment was provided. The **Federal Register** notice of availability for the final TMDLs was published on August 24, 2011 (see 76 FR 52947). The nine pollutant pairs for Bayou de L'Outre subject to the proposed withdrawal are as follows.

Segment (reach)	Waterbody name	Pollutant
08040202-006	Bayou de L'Outre	Chloride, Sulfate, TDS.
08040202-007	Bayou de L'Outre	Chloride, Sulfate, TDS.
08040202-008	Bayou de L'Outre	Chloride, Sulfate, TDS.

The 2008 Arkansas Clean Water Act (CWA) Section 303(d) list of impaired waters is the current EPA approved list, and includes the three Bayou de L'Outre segments addressed by this action. Any future withdrawal action of the aforementioned TMDLs will not affect the listing of those segments.

FOR FURTHER INFORMATION CONTACT: Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733, (214) 665-2145.

Dated: March 21, 2012.

William K. Honker,
Acting Director, Water Quality Protection Division, EPA Region 6.

[FR Doc. 2012-7442 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9652-7]

Notice of Tentative Approval and Opportunity for Public Comment and Public Hearing for Public Water System Supervision Program Revision for Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Approval and Solicitation of Requests for Public Hearing and Comments.

SUMMARY: Notice is hereby given in accordance with the provision of section 1413 of the Safe Drinking Water Act, as amended, and the requirements governing the National Primary Drinking Water Regulations Implementation, 40 CFR Part 142, that the Commonwealth of Virginia is revising its approved Public Water System Supervision Program. The Commonwealth has adopted the drinking water regulation for the Ground Water Rule (GWR) which will provide for better public health protection by reducing public water system consumers' risk of microbial illness from drinking water. EPA has determined that the Commonwealth rule meets all minimum federal requirements, and that the Commonwealth revision is no less stringent than the corresponding federal regulation. Therefore, EPA is taking action to tentatively approve these program revisions. All interested parties are invited to submit written comments on this determination and may request a public hearing.

DATES: Comments or a request for a public hearing must be submitted by April 27, 2012. This determination shall become final and effective on April 27,

2012, if no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, and if no comments are received which cause EPA to modify its tentative approval.

ADDRESSES: Comments or a request for a public hearing must be submitted to the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Comments may also be submitted electronically to *schmitt.ellen@epa.gov*. All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Drinking Water Branch, 3WP21, Water Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

- Office of Drinking Water, Virginia Department of Health, 109 Governor Street, Madison Building, 6th Floor, Room 632, Richmond, VA 23219.

FOR ADDITIONAL INFORMATION CONTACT: Ellen Schmitt at the Philadelphia address given above, telephone (215) 814-5787, fax (215) 814-2302 or email *schmitt.ellen@epa.gov*.

SUMMARY INFORMATION: All interested parties are invited to submit written comments on this determination and may request a hearing. All comments will be considered and, if necessary, EPA will issue a response. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. If a substantial request for a public hearing is made by April 27, 2012, a public hearing will be held. A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: March 19, 2012.

William Early,

Deputy Regional Administrator, EPA, Region III.

[FR Doc. 2012-7483 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2011-0282; FRL-9342-1]

Registration Review; Pesticide Dockets Opened for Review and Comment and Other Docket Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established registration review dockets for the pesticides listed in the table in Unit III.A. With this document, EPA is opening the public comment period for these registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge,

including its effects on human health and the environment. This document also announces the Agency's intent not to open a registration review docket for dicofol, molinate, or bromonitrostyrene. Bromonitrostyrene and molinate do not currently have any actively registered pesticide products and are not, therefore, scheduled for review under the registration review program. Dicofol is undergoing a phase-out of all U.S. pesticide registrations. The cancellations of the end use registrations are effective October 31, 2013. Therefore, dicofol is not scheduled for review under the registration review program. EPA is also announcing the availability of an amended final work plan for the registration review of the pesticide tribenuron methyl; this work plan has been amended to incorporate revisions to the data requirements.

DATES: Comments must be received on or before May 29, 2012.

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

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

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

Instructions: Direct your comments to the docket ID numbers listed in the table in Unit III.A. for the pesticides you are commenting on. EPA's policy is that all comments received will be included in the docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through 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 docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: For pesticide specific information contact: The Chemical Review Manager identified in the table in Unit III.A. for the pesticide of interest.

For general information contact: Kevin Costello, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-5026; fax number: (703) 308-8005; email address: costello.kevin@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health,

farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions

or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. Authority

EPA is initiating its reviews of the pesticides identified in this document

pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What action is the Agency taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations identified in the table in this unit to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. A pesticide’s registration review begins when the Agency establishes a docket for the pesticide’s registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKETS OPENING

Registration review case name and number	Docket ID number	Chemical Review Manager, telephone number, email address
Cypermethrin, 2130	EPA-HQ-OPP-2012-0167.	Dana Friedman, (703) 347-8827, <i>friedman.dana@epa.gov</i> .
Cymoxanil, 7023	EPA-HQ-OPP-2012-0148.	Moana Appleyard, (703) 308-8175, <i>appleyard.moana@epa.gov</i> .
Halosulfuron-methyl, 7233	EPA-HQ-OPP-2011-0745.	Kaitlin Keller, (703) 308-8172, <i>keller.kaitlin@epa.gov</i> .
Primsulfuron-methyl, 7220	EPA-HQ-OPP-2011-0844.	Christina Scheltema, (703) 308-2201, <i>scheltema.christina@epa.gov</i> .
Triasulfuron, 7221	EPA-HQ-OPP-2012-0115.	Andrea Mojica, (703) 308-0122, <i>mojica.andrea@epa.gov</i> .
Acetaminophen, 7610	EPA-HQ-OPP-2012-0145.	Bonnie Adler, (703) 308-8523, <i>adler.bonnie@epa.gov</i> .
Chlorothalonil, 0097	EPA-HQ-OPP-2011-0840.	Jose Gayoso, (703) 347-8652, <i>gayoso.jose@epa.gov</i> ; Rebecca von dem Hagen, 703-305-6785, <i>vondemhagen.rebecca@epa.gov</i> .
Cyprodinil, 7025	EPA-HQ-OPP-2011-1008.	Wilhelmena Livingston, (703) 308-8025, <i>livingston.wilhelmena@epa.gov</i> .
Nitrapyrin, 0213	EPA-HQ-OPP-2012-0170.	Kelly Ballard, (703) 305-8126, <i>ballard.kelly@epa.gov</i> .

TABLE—REGISTRATION REVIEW DOCKETS OPENING—Continued

Registration review case name and number	Docket ID number	Chemical Review Manager, telephone number, email address
Mepiquat and mepiquat chloride, 2375	EPA-HQ-OPP-2012-0083.	Carissa Cyran, (703) 347-8781; cyran.carissa@epa.gov .
Methyloxazolidines, 3095	EPA-HQ-OPP-2012-0007.	Seiichi Murasaki, 703-347-0163, murasaki.seiichi@epa.gov .
Perboric acid, (HBO(O ₂), sodium salt, monohydrate, 5007	EPA-HQ-OPP-2012-0006.	Seiichi Murasaki, 703-347-0163, murasaki.seiichi@epa.gov .
Na & Ca Hypochlorite, 0029	EPA-HQ-OPP-2012-0004.	Wanda Henson, 703-308-6345, henson.wanda@epa.gov .
Pine oils, 3113	EPA-HQ-OPP-2012-0005.	Rebecca von dem Hagen, 703-305-6785, vondemhagen.rebecca@epa.gov .
SCLPs (Straight Chain Lepidopteran Pheromones), 8200	EPA-HQ-OPP-2012-0127.	Colin Walsh, (703) 308-0298, walsh.colin@epa.gov .
Methyl Nonyl Ketone, 3094	EPA-HQ-OPP-2012-0125.	Gina Burnett, (703) 605-0513, burnett.gina@epa.gov .
Nuranone Japanese Beetle Attractant, 4113	EPA-HQ-OPP-2012-0126.	Colin Walsh, (703) 308-0298, walsh.colin@epa.gov .

EPA is also announcing that it will not be opening a docket for dicofol, molinate, or bromonitrostyrene. Bromonitrostyrene and molinate do not currently have any products actively registered under FIFRA section 3. Dicofol is undergoing a phase-out of all U.S. pesticide registrations. The cancellations of the end use registrations are effective October 31, 2013. Therefore, dicofol is not scheduled for review under the registration review program. The Agency will take separate actions to cancel any remaining FIFRA section 24(c) Special Local Needs registrations with these active ingredients and to propose revocation of any affected tolerances that are not supported for import purposes only.

EPA is also announcing the availability of an amended final work plan for the registration review of the pesticide tribenuron methyl (docket EPA-HQ-OPP-2010-0626). This final work plan has been amended to incorporate changes to the data requirements for registration review.

B. Docket Content

1. *Review dockets.* The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- **Federal Register** notices regarding any pending registration actions.
- **Federal Register** notices regarding current or pending tolerances.
- Risk assessments.
- Bibliographies concerning current registrations.

- Summaries of incident data.
- Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information.* More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's Web site at http://www.epa.gov/oppsrrd1/registration_review/schedule.htm. Information on the Agency's registration review program and its implementing regulation may be seen at http://www.epa.gov/oppsrrd1/registration_review.

3. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and

useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

- Submitters must clearly identify the source of any submitted data or information.

- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 22, 2012.

Richard P. Keigwin, Jr.,
Director, Pesticide Re-evaluation Division,
Office of Pesticide Programs.

[FR Doc. 2012-7449 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0332; FRL-9343-2]

Rescission of Previously Issued Cancellation Order for Methyl Parathion Product Registration

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: This notice rescinds a previously issued Cancellation Order, printed in the **Federal Register** on December 28, 2011, to the extent it is applicable to one methyl parathion product. The product in question, EPA Registration Number 070506-00193, was previously cancelled under a separate Cancellation Order published in the **Federal Register** on July 27, 2010. The July 27, 2010 order correctly identifies the effective date of cancellation for the affected product registration as well as the correct dates associated with the disposition of existing stocks. This rescission only applies to the methyl parathion registration. All other product registrations for all other chemicals that were included in the December 28, 2011 cancellation order remain in effect and are not otherwise affected by this action.

DATES: The cancellation of the methyl parathion product at issue is effective December 31, 2012 as provided by the July 27, 2010 Cancellation Order.

FOR FURTHER INFORMATION CONTACT: Kelly Ballard, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-8126; fax number: (703) 305-5290; email address: ballard.kelly@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information****A. Does this action apply to me?**

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2009-0332. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, by appointment at One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA, between 9 a.m. and 3 p.m., Monday through Friday, excluding legal holidays. To schedule an appointment, call (703) 305-5805.

II. What action is the agency taking?

EPA is rescinding a recently issued Cancellation Order, a December 28, 2011 **Federal Register** Notice (76 FR 81496) to the extent it is applicable to one methyl parathion product. On December 28, 2011 EPA issued a batch order cancelling products for failure to pay maintenance fees. The list of products in Table 2 inadvertently contained the methyl parathion product, EPA Registration Number 070506-00193, Pennacp-M Microencapsulated Insecticide. However, this methyl parathion product was previously cancelled under a separate Cancellation Order printed in the **Federal Register** of July 27, 2010 (75 FR 43981), in relation to a Memorandum of Agreement where all methyl parathion products were voluntarily cancelled by the registrants. The July 27, 2010 order correctly identifies the effective date of cancellation for the affected product registration as well as the correct dates associated with the disposition of existing stocks. The cancellation order for the methyl parathion product, issued in the **Federal Register** on December 28, 2011 is rescinded. The rescission only applies to the methyl parathion registration, EPA Registration Number 070506-00193. The December 28, 2011 cancellation order remains in full force and effect with respect to all other product registrations and chemicals contained in those cancellation orders.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 21, 2012.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2012-7444 Filed 3-27-12; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**Information Collection Being Reviewed by the Federal Communications Commission**

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: The Federal Communications Commission (FCC), as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 29, 2012. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email PRA@fcc.gov <<mailto:PRA@fcc.gov>> and to Cathy.Williams@fcc.gov <<mailto:Cathy.Williams@fcc.gov>>.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-1146.

Title: Implementation of the Twenty-first Century Communications and

Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals, CG Docket No. 10–210.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Businesses or other for-profit entities; Not-for-profit Institutions; Federal government; State, local or tribal governments.

Number of Respondents and Responses: 106 respondents; 989 responses.

Estimated Time per Response: 1 to 120 hours.

Frequency of Response: Annual, on occasion, one-time, monthly, and semi-annually reporting requirements; Record keeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefit. The statutory authority for the information collections is contained in 47 U.S.C. 154, 254(k); sections 403(b)(2)(B),(c), Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 228, 254(k), and 620.

Total Annual Burden: 21,465 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information (PII), which is covered under the FCC's system of records notice (SORN), FCC/CGB–3, "National Deaf-Blind Equipment distribution Program." As required by the Privacy Act, 5 U.S.C. 552a, the Commission also published a SORN, FCC/CGB–3 "National Deaf-Blind Equipment Distribution Program," in the **Federal Register** on January 19, 2012 (77 FR 2721) which became effective on February 28, 2012. Also, the Commission is in the process of preparing the new privacy impact assessment (PIA) related to the PII covered by these information collections, as required by OMB's Memorandum M–03–22 (September 26, 2003) and by the Privacy Act, 5 U.S.C. 552a.

Privacy Impact Assessment: Yes. The Privacy Impact Assessment (PIA) was completed on June 28, 2007. It may be reviewed at: http://www.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html. The Commission is in the process of updating the PIA to incorporate various revisions made to the SORN and is in the process of preparing a new SORN to cover the PII collected related thereto, as stated above.

Needs and Uses: On April 6, 2011, in document FCC 11–56, the Commission

released a *Report and Order* adopting final rules to implement section 719 of the Communications Act of 1934 (the Act), as amended, which was added to the Act by the "Twenty-First Century Communications and Video Accessibility Act of 2010" (CVAA). See Public Law 111–260, § 105. Section 719 of the Act authorizes up to \$10 million annually from the Interstate Telecommunications Relay Service Fund (TRS Fund) to support eligible programs that distribute equipment designed to make telecommunications service, Internet access service, and advanced communications accessible by low-income individuals who are deaf-blind. Specifically, the rules adopted in document FCC 11–56 established the National Deaf-Blind Equipment Distribution Program (NDBEDP) as a pilot program for two years with an option to extend the program for one additional year. The rules adopted in document FCC 11–56 have the following information collection requirements:

(a) State equipment distribution programs, other public programs, and private entities may submit applications for NDBEDP certification to the Commission. For each state, the Commission will certify a single program as the sole authorized entity to participate in the NDBEDP and receive reimbursement from the TRS Fund.

(b) Each program certified under the NDBEDP must submit certain program-related data electronically to the Commission, as instructed by the NDBEDP Administrator, every six months, commencing with the start of the pilot program.

(c) Each program certified under the NDBEDP must retain all records associated with the distribution of equipment and provision of related services under the NDBEDP for two years following the termination of the pilot program.

(d) Each program certified under the NDBEDP must obtain verification that NDBEDP applicants meet the definition of an individual who is deaf-blind.

(e) Each program certified under the NDBEDP must obtain verification that NDBEDP applicants meet the income eligibility requirements.

(f) Programs certified under the NDBEDP shall be reimbursed for the cost of equipment that has been distributed to eligible individuals and authorized related services, up to the state's funding allotment under this program. Within 30 days after the end of each six-month period of the Fund Year, each program certified under the NDBEDP pilot must submit documentation that supports its claim

for reimbursement of the reasonable costs of equipment and related services.

On March 20, 2012 in document DA 12–430, the Commission released an *order* to conditionally waive the requirement in section (f), above, for NDBEDP certified programs to submit reimbursement claims at the end of each six-month period of the TRS Fund Year to permit certified programs to submit reimbursement claims as frequently as monthly. Each certified program that wishes to take advantage of this waiver will be permitted to elect a monthly or quarterly reimbursement schedule, must notify the TRS Fund Administrator of its election at the start of each Fund Year, and must maintain that schedule for the duration of the Year.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–7404 Filed 3–27–12; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 12–406]

Emergency Access Advisory Committee; Announcement of Date of Next Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the date of the Emergency Access Advisory Committee's (Committee or EAAC) next meeting. At the March 2012 meeting, the seven subcommittees of the EAAC will present reports and consider activities for 2012. The seven subcommittees cover: Text-to-911 Solutions; Interoperability Testing; PSAP Sign Language and other Communication Assistance; Detailed Report Sections from 2011; NENA i3 compared to EAAC Recommendations; TTY Transition/Roadmap; and, Timeline Alignment for Phasing into NG911 PSAPs.

DATES: The Committee's next meeting will take place on Friday, March 30, 2012, 10:30 a.m. to 3:30 p.m. (EST), at the headquarters of the Federal Communications Commission (FCC).

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, in the Commission Meeting Room.

FOR FURTHER INFORMATION CONTACT: Cheryl King, Consumer and Governmental Affairs Bureau, (202) 418–2284 (voice) or (202) 418–0416

(TTY), email: Cheryl.King@fcc.gov and/or Patrick Donovan, Public Safety and Homeland Security Bureau, (202) 418-2413, email: Patrick.Donovan@fcc.gov.

SUPPLEMENTARY INFORMATION: On December 7, 2010, in document DA 10-2318, Chairman Julius Genachowski announced the establishment and appointment of members and Co-Chairpersons of the EAAC, an advisory committee required by the Twenty-First Century Communications and Video Accessibility Act (CVAA), Public Law 11-260, for the purpose of achieving equal access to emergency services by individuals with disabilities as part of our nation's migration to a national Internet protocol-enabled emergency network, also known as the next generation 9-1-1 system (NG9-1-1). The purpose of the EAAC is to determine the most effective and efficient technologies and methods by which to enable access to Next Generation 911 (NG 9-1-1) emergency services by individuals with disabilities, Public Law 111-260 § 106(a), and to make recommendations to the Commission on how to achieve those effective and efficient technologies and methods. Public Law 111-260 § 106(c). During the spring of 2011, the EAAC conducted a nationwide survey of individuals with disabilities and released a report on that survey on June 21, 2011. *The EAAC Report on Emergency Calling for Persons with Disabilities; Survey Review and Analysis 2011* is available at <http://transition.fcc.gov/cgb/dro/EAAC/EAAC-REPORT.pdf>. Following release of the survey report, the EAAC developed recommendations, which it submitted to the Commission on December 7, 2011, as required by the CVAA. See the *EAAC Report and Recommendations* at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-312161A1.doc. At the March 2012 EAAC meeting, the seven subcommittees of the EAAC will present reports and consider activities for 2012. The seven subcommittees cover: Text-to-911 Solutions; Interoperability Testing; PSAP Sign Language and other Communications Assistance; Detailed Report Sections from 2011; Gaps in NENA i3 compared to EAAC Recommendations; TTY Transition/Roadmap; Timeline Alignment For Phasing into NG911 PSAPs. 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 and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). 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 and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Federal Communications Commission.

Karen Peltz Strauss,
Deputy Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2012-7475 Filed 3-27-12; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The following applicants filed AM or FM proposals to change the community of license: ALLIED COMMUNICATIONS NETWORK TWO, Station WDBA, Facility ID 176140, BMPED-20120227AAL, From CAPE MAY, NJ, To LEWES, DE; WESTERN NEW LIFE, INC., Station WNVE, Facility ID 3250, BPH-20120305AAW, From CULEBRA, PR, To CEIBA, PR.

DATES: The agency must receive comments on or before May 29, 2012.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tung Bui, 202-418-2700.

SUPPLEMENTARY INFORMATION: The full text of these applications is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street SW., Washington, DC 20554 or electronically via the Media Bureau's Consolidated Data Base System, http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm. A copy of this application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or www.BCPIWEB.com.

Federal Communications Commission.

James D. Bradshaw,
Deputy Chief, Audio Division, Media Bureau.
[FR Doc. 2012-7468 Filed 3-27-12; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (www.fmc.gov) or by contacting the Office of Agreements at (202) 523-5793 or tradeanalysis@fmc.gov.

Agreement No.: 012037-003.

Title: Maersk Line/CMA CGM TA3 Space Charter Agreement.

Parties: A.P. Moeller-Maersk A/S and CMA CGM S.A.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100, Washington, DC 20006-4007.

Synopsis: The amendment would add Panama and Belgium to the geographic scope of the agreement, provide for the chartering of slots on a vessel string not previously covered by the agreement, revise the termination provisions of the agreement, and delete obsolete language from the agreement.

By Order of the Federal Maritime Commission.

Dated: March 23, 2012.

Karen V. Gregory,
Secretary.

[FR Doc. 2012-7453 Filed 3-27-12; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for a license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF)—Ocean Transportation Intermediary (OTI) pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515). Notice is also hereby given of the filing of applications to amend an

existing OTI license or the Qualifying Individual (QI) for a license.

Interested persons may contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573, by telephone at (202) 523-5843 or by email at OTI@fmc.gov.

4 A's Cargo, Inc. (NVO), 1210 E. 223rd Street, #321, Carson, CA 90745.
Officers: Rolando Tanaleon, President (Qualifying Individual). Adhara Tanaleon, CFO. *Application Type:* QI Change.

AC Shipping LLC (NVO), 34 Albert Avenue, Newark, NJ 07105. *Officers:* Alexander Yanushko, President/Managing Member (Qualifying Individual). Viktoriya A. Midova, Officer/Active Member. *Application Type:* New NVO License.

Alliance Cargo System Inc. (NVO), 31 Barclay Circle, Staten Island, NY 10312. *Officer:* Gregory Ly, President/Treasurer/Secretary (Qualifying Individual). *Application Type:* New NVO License.

American Patriot Lines, Inc. dba Tier One Logistics (NVO), 8616 La Tijera Boulevard, #401, Los Angeles, CA 90045. *Officer:* Dong Ho Lee, President/Secretary/Treasurer (Qualifying Individual). *Application Type:* QI Change and Trade Name Change.

ASF Global, LLC (NVO & OFF), 3812 Springhill Avenue, Mobile, AL 36608. *Officer:* Samford T. Myers, Manager (Qualifying Individual). *Application Type:* New NVO & OFF License.

Bluesea Logistics Corporation (NVO), 327 Elizabeth Avenue, Apt. #A, Monterey Park, CA 91755-2044. *Officers:* Chao Sun, General Manager (Qualifying Individual). Guanghai Cui, President. *Application Type:* New NVO License.

Broom U.S.A., Inc. dba Transcontinental Logistics Neutral 3PL (NVO & OFF), 2193 NW. 82nd Avenue, Miami, FL 33122. *Officers:* Julian A. Scattolini, Vice President/Director/Secretary (Qualifying Individual). Hector A. Espinoza, President. *Application Type:* New NVO & OFF License.

C.O. Logistic LLC dba C.O. Logistic (NVO & OFF), 3711 Country Club Drive, #6, Long Beach, CA 90807. *Officers:* Pavao Susic, Operations Manager (Qualifying Individual). Silvija Susic, Chief Operating Officer. *Application Type:* Business Structure Change.

Chronos International Cargo Corp. dba AOC Log—Air Ocean Chronos Logistics (NVO & OFF), 1925 NW. 79th Avenue, Doral, FL 33126. *Officers:* Paula Almeida, Vice

President (Qualifying Individual). Fernando Silva, President.

Application Type: New NVO & OFF License.

Contrans Cargo Inc. (NVO), 14181 Uxbridge Street, Westminster, CA 92683. *Officers:* Ping (aka Alice) H. Hsiao, Vice President (Qualifying Individual). Xiaojun Wang, President. *Application Type:* New NVO License.

Dsecargonet USA, Inc. (NVO), 3625 Del Amo Blvd., #275, Torrance, CA 90503. *Officers:* Jae Man Lim, Secretary (Qualifying Individual). Myung K. Chai, President/CEO. *Application Type:* QI Change.

East Coast Shipping Inc. (NVO), 631 Cypress Lake Blvd., #F, Pompano Beach, FL 33064. *Officer:* Neide F. Perozin, President/Secretary (Qualifying Individual). *Application Type:* License Transfer.

ECV Shipping Line, Inc. (NVO & OFF), 3132 SW. 173rd Terrace, Miramar, FL 33029. *Officers:* Carmen E. Vizcaino, President/Treasurer (Qualifying Individual). Jennette Vizcaino, Secretary. *Application Type:* New NVO & OFF License.

Enterprise Forwarders, Inc. (OFF), 8555 NW. 29th Street, 2nd Floor, Doral, FL 33122. *Officer:* Elizabeth V. Roque, President/Vice President/Secretary/Treasurer (Qualifying Individual). *Application Type:* New OFF License.

EP America Inc. dba Rubik (EP America) Inc. (NVO & OFF), 3340-A Greens Road, Suite 150, Houston, TX 77032. *Officers:* Ronald A. McGraw, Secretary (Qualifying Individual). Jose M. Garza, President. *Application Type:* New NVO & OFF License.

Esko, Inc. (NVO), 19008 Herb Court, Rowland Heights, CA 91748. *Officers:* Lin L. Chen, Vice President (Qualifying Individual). Han W. Chang, President/Secretary/Treasurer. *Application Type:* New NVO License.

Forest City Ocean Freight LLC (OFF), 8615 E. Lindgren Road, Spokane, WA 99217. *Officers:* Mark A. Donovan, Member Board of Managers (Qualifying Individual). David A. Duer, Member Board of Managers. *Application Type:* New OFF License.

Global Pro Logistics LLC (NVO & OFF), 22750 Hawthorne Boulevard, #200, Torrance, CA 90505. *Officers:* Emily Chen, President (Qualifying Individual). Chun-Yi Lin, Member. *Application Type:* New NVO & OFF License.

GlobeEx Freight Systems Inc. (NVO), 6720 Davand Drive, Unit 3, Mississauga, L5T2K7 Canada. *Officers:* Bhupender Singh, President/Director (Qualifying Individual). Sree V. Sarma, Director. *Application Type:* New NVO License.

Gulf Premier Logistics LLC (OFF), 340 N. Sam Houston Parkway E, #217, Houston, TX 77060. *Officers:* Dee Chase-Unno, Vice President of Operations (Qualifying Individual). Jason Lancaster, CEO. *Application Type:* New OFF License.

Harbour International, Incorporated (NVO & OFF), 30 Shumway Avenue, #2E, Batavia, IL 60510. *Officers:* Adriana M. Rodriguez, Vice President (Qualifying Individual). Robert C. Masterson, President. *Application Type:* QI Change.

High Export Inc. (NVO), 10825 NW. 33rd Street, Doral, FL 33172. *Officers:* Claudia Y. Gomez, President/Treasurer (Qualifying Individual). Andres Gomez, Vice President/Secretary. *Application Type:* New NVO License.

IJS Global Inc. (OFF), 2600 Main Street Ext., 2nd Floor, Sayreville, NJ 08872. *Officers:* Tina J. Okragly, Vice President/Secretary (Qualifying Individual). Dennis Dolan, CEO, North America. *Application Type:* QI Change.

ILE Global, LLC (OFF), 181 S. Franklin Avenue, Suite 601, Valley Stream, NY 11581. *Officers:* Angel Velez, Vice President (Qualifying Individual). Orit Horn, Managing Member. *Application Type:* New OFF License.

J N B USA Logistics, Inc. (NVO), 31 Blake Avenue, Lynbrook, NY 11563. *Officer:* Chin Ho Ree, President/Vice President/Secretary/Treasurer (Qualifying Individual). *Application Type:* License Transfer.

JK International, Inc. (NVO & OFF), 825 S. Graham Street, Memphis, TN 38111. *Officers:* Teresa Donaldson, Secretary (Qualifying Individual). James Kim, President/CEO. *Application Type:* New NVO & OFF License.

Leeward USA, Inc. (NVO & OFF), 350 Fifth Avenue, #2600, New York, NY 10118. *Officers:* Nancy D. Heller, Vice President of Operations (Qualifying Individual). Juan M. Ferrera, President. *Application Type:* New NVO & OFF License.

Liberty Relocation International, Inc. (NVO), 18375 Ventura Blvd., Suite #113, Tarzana, CA 91356. *Officer:* Ron Ratoviz, President/Vice President/Secretary/CFO (Qualifying Individual). *Application Type:* New NVO License.

LLS Team USA Incorporated (NVO), 1550 E. Higgins Road, Suite 133, Elk Grove Village, IL 60007. *Officers:* Oliver Brand, President/Director (Qualifying Individual). Helmut Sruala, Director. *Application Type:* New NVO License.

MH Transport, LLC dba MH Carriers (NVO & OFF), 3340 Greens Road, B400, Houston, TX 77032. *Officers:* Thomas L. Armel, Vice President (Qualifying Individual). Olivia De Caro, President. *Application Type:* Add NVO Service.

Norton Lilly Logistics, LLC (NVO & OFF), One St. Louis Centre, Suite 5000, Mobile, AL 36602. *Officers:* Steven A. Haverstock, President (Qualifying Individual). Kevin L. Filliater, Vice President. *Application Type:* QI Change.

NS Cargo, Inc. (OFF), 2000 NW 84 Avenue, #218, Miami, FL 33122. *Officers:* Nelson A. Sanlley, President (Qualifying Individual). Glorilba Sanlley, Secretary. *Application Type:* New OFF License.

NW Forwarding, LLC (NVO & OFF), 618 S 223rd Street, #3, Des Moines, WA 98198. *Officer:* Bruce R. Harris, Member (Qualifying Individual). *Application Type:* New NVO & OFF License.

Oceanpar Logistix LLC (NVO & OFF), 2 Van Buren Drive, Edison, NJ 08817. *Officer:* Jitendra P. Shah, Member/President/Secretary/Treasurer (Qualifying Individual). *Application Type:* New NVO & OFF License.

Oriental Logistics Group Inc. (NVO), 141-16 28 Avenue, Apt# 6B, Flushing, NY 11354. *Officers:* Cheng (aka Michael) H. Hu, Secretary (Qualifying Individual). Ju-Hsueh Wu, President. *Application Type:* New NVO License.

Overland Logistics LLC (OFF), 850 North 200 East, Ephraim, UT 84627. *Officers:* Kyle S. Bailey, Vice President of Logistics (Qualifying Individual). Thomas F. Bailey, President. *Application Type:* New OFF License.

Overseas Shipping Inc. (NVO & OFF), 2313 Providence Street, Falls Church, VA 22043. *Officer:* Rima R. Hossain, Owner (Qualifying Individual). *Application Type:* New NVO & OFF License.

Reliable Shipping Agency, LLC (NVO), 7710 Brooklyn Boulevard North, #211, Brooklyn Park, MN 55443. *Officers:* George M. Segbee, Operations Manager (Qualifying Individual). Christian K. Kolleh, Chief Executive Manager. *Application Type:* New NVO License.

Seaway International Inc. (NVO), 350 7th Avenue, #502, New York, NY 10001. *Officer:* Daniel Chin Kim, President (Qualifying Individual). *Application Type:* Name Change.

SecureGlobal Logistics, Inc. (NVO & OFF), 1045 Greens Parkway, Houston, TX 77067. *Officers:* Michael J. Middleton, CEO/President (Qualifying Individual). Rick Kerbo, Vice President of Corporate Affairs. *Application Type:* QI Change.

Sims, Waters & Associates, Inc. dba Sunshine Global Transport (NVO & OFF), 1750 East Duval Street, Jacksonville, FL 32202. *Officers:* Myra H. Sims, Vice President/Secretary (Qualifying Individual). Betty J. Waters, President/Treasurer. *Application Type:* Add NVO Service.

The Pasha Group dba Pasha Distribution Services; dba Pasha Freight; dba CTC Transportation; dba Pasha International; dba Asiatic Trans-Pacific (NVO & OFF), 5725 Paradise Drive, #1000, Corte Madera, CA 94925. *Officers:* George W. Pasha, IV, Vice President (Qualifying Individual). George W. Pasha, III, Director/COB. *Application Type:* Trade Name Change.

Three Oceans Transport Inc. (NVO & OFF), 8903 Regents Park Drive, #130, Tampa, FL 33647. *Officers:* Rasmus H. Okland, Vice President (Qualifying Individual). Graham Bott, President/Director. *Application Type:* QI Change.

Trinity Shipping Company (NVO), 1519 Landalee Drive, Wilmington, NC

28405. *Officers:* Glen E. Jones, President (Qualifying Individual). Judith M. Jones, Vice President. *Application Type:* New NVO License.

Thunderbird Logistic, Inc. (NVO & OFF), 7735 E. Redfield Road, Suite 100, Scottsdale, AZ 85260. *Officer:* Xinyang K. Chen, President/Secretary. *Application Type:* QI Change.

UBA Express Cargo, Corp. (NVO), 10406 SW 7th Street, Miami, FL 33174. *Officer:* Martha E. Rivas, President/Secretary/Treasurer (Qualifying Individual). *Application Type:* New NVO License.

Worldwide Relocation Specialists, Inc. (OFF), 43460 Ridge Park Drive, Ste. 260, Temecula, CA 92590. *Officers:* Lisette A. Shire, President/CEO/Secretary (Qualifying Individual). Michael H. Shire, Treasurer/CFO. *Application Type:* New OFF License.

Zix Corporation dba Zix Maritime (NVO & OFF), 2355 Salzedo Street, #315, Coral Gables, FL 33134. *Officers:* Manuel Zarate, Vice President (Qualifying Individual). Andres Zarate, President. *Application Type:* ADD NVO Service.

Dated: March 23, 2012.

Karen V. Gregory,
Secretary.

[FR Doc. 2012-7460 Filed 3-27-12; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Reissuance

Notice is hereby given that the following Ocean Transportation Intermediary license has been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/address	Date reissued
019778F	FT Worldwide, LLC, 2979 Rushland Road, Jamison, PA 18929	January 23, 2012.

Vern W. Hill,
Director, Bureau of Certification and Licensing.
[FR Doc. 2012-7457 Filed 3-27-12; 8:45 am]
BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION
Ocean Transportation Intermediary License; Revocation

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to

section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR Part 515, effective on the corresponding date shown below:

License Number: 019778N.
Name: FT Worldwide, LLC.

Address: 2979 Rushland Road,
Jamison, PA 18929.
Date Revoked: January 23, 2012.
Reason: Voluntarily surrendered
license.

License Number: 021513N.
Name : Camden Shipping
Corporation.

Address: 56 Georgetown Road,
Bordentown, NJ 08505.

Date Revoked: February 29, 2012.
Reason: Voluntarily surrendered
license.

License Number: 022991N.
Name: Whale Logistics, LLC.
Address: 84–43 Penelope Avenue,
New York, NY 11379.

Date Revoked: February 20, 2012.
Reason: Voluntarily surrendered
license.

Vern W. Hill,

*Director, Bureau of Certification and
Licensing.*

[FR Doc. 2012–7459 Filed 3–27–12; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 2012.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *First Community Bancshares, Inc.*, Bluefield, Virginia; to acquire 100 percent of the voting shares of Peoples Bank of Virginia, Richmond, Virginia.

Board of Governors of the Federal Reserve System, March 23, 2012.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2012–7415 Filed 3–27–12; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0027; Docket 2011–0001; Sequence 8]

General Services Administration Acquisition Regulation; Submission for OMB Review; Contract Administration, Quality Assurance (GSAR Parts 542 and 546; GSA Form 1678 and GSA Form 308)

AGENCY: Office of the Chief Acquisition Officer, GSA.

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding contract administration, and quality assurance. A notice was published in the **Federal Register** at 76 FR 78010, on December 15, 2011. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: *Submit comments on or before:* April 27, 2012.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, Procurement Analyst, General Services Acquisition Policy Division, at (202) 357–9652 or via email to dana.munson@gsa.gov.

ADDRESSES: Submit comments identified by Information Collection 3090–0027, Contract Administration

and Quality Assurance (GSAM Part 542 and Part 546; GSA Form 1678 and GSA Form 308), by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting “Information Collection 3090–0027, Contract Administration and Quality Assurance (GSAM Part 542 and Part 546; GSA Form 1678 and GSA Form 308)”, under the heading “Enter Keyword or ID” and selecting “Search”. Select the link “Submit a Comment” that corresponds with “Information Collection 3090–0027, Contract Administration and Quality Assurance (GSAM Part 542 and Part 546; GSA Form 1678 and GSA Form 308)”. Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “Information Collection 3090–0027, Contract Administration and Quality Assurance (GSAM Part 542 and Part 546; GSA Form 1678 and GSA Form 308)”, on your attached document.

- *Fax:* 202–501–4067.

- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 3090–0027, Contract Administration and Quality Assurance (GSAM Part 542 and Part 546; GSA Form 1678 and GSA Form 308).

Instructions: Please submit comments only and cite Information Collection 3090–0027, Contract Administration and Quality Assurance (GSAM Part 542 and Part 546; GSA Form 1678 and GSA Form 308), in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under certain contracts, because of reliance on contractor inspection in lieu of Government inspection, GSA’s Federal Acquisition Service (FAS) requires documentation from its contractors to effectively monitor contractor performance and ensure that it will be able to take timely action should that performance be deficient.

B. Annual Reporting Burden

Respondents: 4,604.
Responses per respondent: 25.38.
Total Responses: 116,869.
Hours per response: .067.
Total Burden Hours: 7,830.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from

the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 3090-0027, Contract Administration, Quality Assurance (GSAR Parts 542 and 546; GSA Form 1678, and GSA Form 308), in all correspondence.

Dated: March 19, 2012.

Joseph A. Neurauter,

Director, Office of Acquisition Policy & Senior Procurement Executive.

[FR Doc. 2012-7422 Filed 3-27-12; 8:45 am]

BILLING CODE 6820-61-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0035; Docket 2012-0076; Sequence 1]

Federal Acquisition Regulation; Information Collection; Claims and Appeals

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning claims and appeals.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before May 29, 2012.

ADDRESSES: Submit comments identified by Information Collection

9000-0035, Claims and Appeals by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting "Information Collection 9000-0035, Claims and Appeals" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0035, Claims and Appeals". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0035, Claims and Appeals" on your attached document.

- *Fax:* 202-501-4067.

- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000-0035, Claims and Appeals.

Instructions: Please submit comments only and cite Information Collection 9000-0035, Claims and Appeals, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Robinson, procurement Analyst, Acquisition Policy Division, GSA, (202) 501-2658 or via email at anthony.robinson@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

It is the Government's policy to try to resolve all contractual issues by mutual agreement at the contracting officer's level without litigation. Reasonable efforts should be made to resolve controversies prior to submission of a contractor's claim. The Contract Disputes Act of 1978 (41 U.S.C. 605) requires that claims exceeding \$100,000 must be accompanied by a certification that (1) The claim is made in good faith; (2) supporting data are accurate and complete; and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. The information, as required by FAR clause 52.233-1, Disputes, is used by a contracting officer to decide or resolve the claim. Contractors may appeal the contracting officer's decision by submitting written appeals to the appropriate officials.

B. Annual Reporting Burden

Respondents: 4,500.

Responses per Respondent: 3.

Annual Responses: 13,500.

Hours per Response: 1.

Total Burden Hours: 13,500.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 9000-0035, Claims and Appeals, in all correspondence.

Dated: March 20, 2012.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2012-7425 Filed 3-27-12; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0067; Docket 2012-0076; Sequence 10]

Federal Acquisition Regulation; Information Collection; Incentive Contracts

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning incentive contracts.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological

collection techniques or other forms of information technology.

DATES: Submit comments on or before May 29, 2012.

ADDRESSES: Submit comments identified by Information Collection 9000–0067, Incentive Contracts, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting “Information Collection 9000–0067, Incentive Contracts” under the heading “Enter Keyword or ID” and selecting “Search”. Select the link “Submit a Comment” that corresponds with “Information Collection 9000–0067, Incentive Contracts”.

Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “Information Collection 9000–0067, Incentive Contracts” on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 9000–0067, Incentive Contracts.

Instructions: Please submit comments only and cite Information Collection 9000–0067, Incentive Contracts, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, Office of Acquisition Policy, GSA (202) 208–4949 or via email michaelo.jackson@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

A. Purpose

In accordance with FAR 16.4, incentive contracts are normally used when a firm fixed-price contract is not appropriate and the required supplies or services can be acquired at lower costs, and sometimes with improved delivery or technical performance, by relating the amount of profit or fee payable under the contract to the contractor’s performance.

The information required periodically from the contractor, such as cost of work already performed, estimated costs of further performance necessary to complete all work, total contract price for supplies or services accepted by the Government for which final prices have been established, and estimated costs allocable to supplies or services accepted by the Government and for

which final prices have not been established, is needed to negotiate the final prices of incentive-related items and services. Contractors are required to submit the information in accordance with several incentive fee FAR clauses: FAR 52.216–16, Incentive Price Revision—Firm Target; FAR 52.216–17, Incentive Price Revision—Successive Targets; and FAR 52.216–10, Incentive Fee.

The contracting officer evaluates the information received to determine the contractor’s performance in meeting the incentive target and the appropriate price revision, if any, for the items or services.

B. Annual Reporting Burden

Respondents: 3,000.

Responses Per Respondent: 1.

Annual Responses: 3,000.

Hours Per Response: 1.

Total Burden Hours: 3,000.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501–4755.

Please cite OMB Control No. 9000–0067, Incentive Contracts, in all correspondence.

Dated: March 20, 2012.

Laura Auletta,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2012–7416 Filed 3–27–12; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0990–0260; 30-Day Notice]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions;

(2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, email your request, including your address, phone number, OMB number, and OS document identifier, to

Sherette.funncoleman@hhs.gov, or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Protection of Human Subjects: Assurance of Compliance with Federal Policy/IRB Review/IRB Recordkeeping/Informed Consent/Consent Documentation—OMB No. 0990–0260—Office for Human Research Protections.

Abstract: Section 491(a) of Public Law 99–158 states that the Secretary of HHS shall by regulation require that each entity applying for HHS support (e.g., a grant, contract, or cooperative agreement) to conduct research involving human subjects submit to HHS assurances satisfactory to the Secretary that it has established an institutional review board (IRB) to review the research in order to ensure protection of the rights and welfare of the human research subjects. IRBs are boards, committees, or groups formally designated by an entity to review, approve, and have continuing oversight of research involving human subjects.

Pursuant to the requirement of the Public Law 99–158, HHS promulgated regulations at 45 CFR part 46, subpart A, the basic HHS Policy for the Protection of Human Subjects. The June 18, 1991 adoption of the common Federal Policy (56 FR 28003) by 15 departments and agencies implements a recommendation of the President’s Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research which was established on November 9, 1974, by Public Law 95–622. The Common Rule is based on HHS regulations at 45 CFR part 46, subpart A, the basic HHS Policy for the Protection of Human Subjects.

TOTAL ESTIMATED ANNUALIZED BURDEN—DOLLARS

Title	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
.103(b)(4), .109(d) IRB Actions, .116 and .117 Informed Consent	6,000	39.33	1	235,980
.115(a) IRB Recordkeeping	6,000	15	10	900,000
.103(b)(5) Incident Reporting, .113 Suspension or Termination Reporting	6,000	0.5	45/60	2,250
Total	1,138,230

Keith A. Tucker,
Paperwork Reduction Act Clearance Officer,
Office of the Secretary.

[FR Doc. 2012-7464 Filed 3-27-12; 8:45 am]

BILLING CODE 4150-36-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality; Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "Adapting Best Practices for Medicaid Readmissions." In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501-3521, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by May 29, 2012.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at doris.lefkowitz@AHRQ.hhs.gov.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by email at doris.lefkowitz@AHRQ.hhs.gov.

SUPPLEMENTARY INFORMATION:

Proposed Project

Adapting Best Practices for Medicaid Readmissions

One particular mission of AHRQ is to improve the efficiency of health care through reducing unnecessary health care costs while maintaining or

improving quality. The proposed data collection supports this goal through developing strategies to assist safety net hospitals in reducing readmissions for Medicaid patients. Previous research has shown that a focus on transitional care, including needs assessment, discharge planning, post-discharge intervention, and care coordination can reduce avoidable readmissions. Based on this evidence, there have been a number of strategies and resources developed for hospitals to reduce avoidable readmissions, including:

- The Aging & Disability Resource Centers Evidence-Based Care Transitions program by the Administration on Aging & CMS to support state efforts in implementing evidence-based care transition models for older adults and individuals with disabilities.

- The State Action on Avoidable Rehospitalizations (STAAR) initiative by the Institute for Healthcare Improvement to improve care transitions and care coordination through state-based multi-stakeholder collaborative efforts.

- The Hospital-to-Home (H2H) initiative by the American College of Cardiology to reduce readmissions for patients with cardiovascular conditions.

- Project Re-Engineered Discharge (RED), funded by AHRQ and the National Institutes of Health (NIH) National Heart, Lung, and Blood Institute, to reduce re-hospitalizations by improving hospital discharge processes.

However, the majority of these strategies and resources focuses on general patient populations or specifically targets the elderly and/or disabled, primarily Medicare populations. Recent research finds that rates of readmission among Medicaid-insured non-elderly adults equals that of the elderly, Medicare-insured population and is 60 percent higher than a privately-insured population. It is not known whether existing resources and strategies to reduce readmissions address the circumstances and characteristics of Medicaid-insured patients. Particular socio-demographic

characteristics more prevalent in populations insured through Medicaid, such as low-income, racial and ethnic minority, low literacy, housing instability, mental illness, substance abuse disorders, chronic and disabling conditions, language barriers, and discontinuous insurance coverage may mean that strategies for reducing readmissions need to be tailored specifically to the unique needs of this population.

Additionally, safety net hospitals, which serve large populations of the most vulnerable in society and where Medicaid is often a major payer, face unique conditions. Not only do they serve more vulnerable populations, they are often constrained by their financing and governance structures. Safety net hospitals generally operate on lower financial margins than other hospitals because they are often underpaid for many services provided to Medicaid recipients and the uninsured. Faced with declining contributions from state and local governments and payment reduction from both public and private payers, many are struggling to meet the growing demand for their services with stagnant or declining revenues. Resources addressing hospital readmissions may also have to be tailored to meet the unique circumstances of safety net settings.

This project will recruit six safety net hospitals to assess the existing resources and strategies and suggest and test modifications to address the particular circumstances related to Medicaid readmissions and safety net hospital settings. The goals of this project are to:

- Identify factors at the patient, provider, and community levels that especially contribute to hospital readmissions for Medicaid patients;

- Assess and test existing strategies to reduce avoidable readmissions for their adequacy and applicability to Medicaid-insured populations and safety net hospital settings;

- Modify and test modifications of existing strategies as necessary for applicability to Medicaid-insured populations and safety net hospital settings; and

- Develop a package of revised strategies for reducing avoidable readmissions that are specific to the factors contributing to Medicaid-insured patient readmissions in safety net settings.

Four cycles of testing will be conducted to collect data on samples of patient readmissions in each of the participating hospitals. The data will be collected and analyzed by the hospital staff after each cycle. The first cycle will identify factors related to Medicaid readmissions, as well as establishing baseline measures, while the next 3 cycles will be a quality improvement effort to test the existing strategies, or modifications to existing strategies, to address the factors identified in the first cycle. Each cycle will use a different sample of Medicaid readmission patients.

This study is being conducted by AHRQ through its contractor, John Snow, Inc. (JSI), pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

(1) *Medical records review*—The medical records review will gather background information about a patient's index admission and readmission. Data to be abstracted from the medical record includes patient demographic information, living arrangements, dates and timing of index and readmissions, lengths of stay, diagnoses on admission, source of admission, discharge disposition, and other transition factors, as well as the name and setting of the patient's primary care provider (PCP), and

whether an appointment was made with the PCP before discharge.

(2) *Patient/family/caregiver interview*—After completion of the patient's medical record review, interviews will be conducted with the patient and a family member or caretaker (using the same tool for all) who has permission to discuss the patient's case. The purpose of the patient/family/caregiver interviews is to obtain the patient/family perspective, in their own words, of their index admission, their transition period, and their readmission. Data to be collected includes perspectives on reasons for readmission, discharge experience, extent to which they were able to follow any discharge instructions provided, setting to which they were discharged, and any other assistance needed.

(3) *Provider interview*—Provider interviews will complete the patient readmission data. Two providers involved in each readmission case will be interviewed. Providers are likely to be from the hospital setting (e.g., hospitalists, admitting physicians, emergency room physicians) but also may be from the larger care community (e.g., primary care, skilled nursing facility, home health). Providers selected will change from case to case, although any particular provider may be asked about more than one readmission over the course of the project. Providers will be asked why they believe the patient was readmitted and what they think could have been done to avoid the readmission.

The purpose of the primary data collections is to add insight and direct patient/family and provider input and experience into all phases of the project. The first data collection will provide patient/family and provider insight into the process of identifying factors related to Medicaid readmissions. Based on these factors, existing readmissions strategies will be assessed for their suitability in addressing these factors. Participating hospitals will then select existing or modified strategies to test in

their settings using a rapid cycle QI process. Primary data collection will occur during each of the three testing cycles for purposes of gathering patient and provider insight into the factors associated with readmissions of Medicaid patients and gauging the extent to which the modified strategies would be able to address those factors.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden for the respondent's time to participate in the project. The medical records review will be performed by one QI nurse at each of the 6 participating hospitals for 80 readmission cases (20 from each of 4 cycles) and will take about 20 minutes per case. In that the primary data collections are intended to inform the factors related to Medicaid readmissions and inform the testing of existing or modified strategies, there is no set number of readmissions cases required during each of the four data collection cycles. Participating hospitals will be instructed that it is a process that should continue until patterns of response converge and little new information is being learned, with 20 cases as the maximum during any one of the four cycles of data collection.

For each readmission case interviews will be conducted by the QI nurse with a total of 120 patients and family member or care giver (20 of each from each of the 6 hospitals) during each of the 4 cycles of data collection. The interviews are estimated to require 10 minutes each. The QI nurse will also conduct interviews with 2 providers associated with the readmission case (a total of 12 providers across the 6 hospitals) during each of the 4 cycles and will take about 5 minutes. The total burden is estimated to be 640 hours annually.

Exhibit 2 shows the estimated cost burden associated with the respondent's time to participate in this project. The total cost burden is estimated to be \$23,398 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Medical records review	6	80	20/60	160
Patient/family/caregiver interviews				
Patient interview	120	4	10/60	80
Family/caregiver interview	120	4	10/60	80
QI Nurse to conduct interviews	6	160	10/60	160
Provider interviews				
Provider interviews	12	80	5/60	80
QI Nurse to conduct interviews	6	160	5/60	80

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Total	384	na	na	640

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate*	Total cost burden
Medical records review	120	160	\$32.56	\$5,210
Patient/family/caregiver interviews				
Patient interview	120	80	21.35	1,708
Family/caregiver interview	120	80	21.35	1,708
QI Nurse to conduct interviews	6	160	32.56	5,210
Provider interviews				
Provider interviews	12	80	86.96	6,957
QI Nurse to conduct interviews	6	80	32.56	2,605
Total	384	640	na	23,398

* Based upon the mean of the average wages, National Compensation Survey: Occupational wages in the United States May 2010, "U.S. Department of Labor, Bureau of Labor Statistics;" 29-1111 (Registered Nurse, \$32.56/hr); 00-0000 (All Occupations, \$21.35/hr); 29-1069 (Physicians and Surgeons, All Other, \$86.96/hr).

Estimated Annual Costs to the Federal Government

The total cost to the government is estimated to be \$253,033, which

includes costs for project development, data collection, data analysis, publication, project management, and overhead as shown in Exhibit 3. The

data collection occurs throughout the 2.5 year project term (30 month); thus, it has an estimated annual cost of \$101,212.

EXHIBIT 3—ESTIMATED ANNUAL AND TOTAL COSTS TO THE FEDERAL GOVERNMENT

Task/activity	Estimated annual cost	Estimated total cost
Project Development	\$7,438	*\$18,596
Data collection	30,866	77,165
Data analysis	9,470	23,676
Publication	5,606	14,016
Project Management	15,086	37,716
Overhead	32,746	81,864
Total	101,212	253,033

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of

automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 14, 2012.

Carolyn M. Clancy,
Director.

[FR Doc. 2012-7270 Filed 3-27-12; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Solicitation for Nominations for Members of the U.S. Preventive Services Task Force (USPSTF)

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Solicits nominations for new members of USPSTF.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) invites nominations of individuals qualified to serve as members of the U.S. Preventive Services Task Force (USPSTF).

Qualification Requirements: Qualified applicants and nominees must at a minimum demonstrate knowledge,

expertise and national leadership in the following areas:

1. The critical evaluation of research published in peer reviewed literature and in the methods of evidence review;
2. Clinical prevention, health promotion and primary health care; and
3. Implementation of evidence-based recommendations in clinical practice including at the clinician-patient level, practice level, and health system level.

Some USPSTF members without primary health care clinical experience may be selected based on their expertise in methodological issues such as meta-analysis, analytic modeling or clinical epidemiology. For individuals with clinical expertise in primary health care, additional qualifications in methodology would enhance their candidacy.

Additionally, the Task Force benefits from members with expertise in the following areas:

- Behavioral medicine
- Public health
- Health equity and the reduction of health disparities
- Application of science to health policy
- Communication of scientific findings to multiple audiences including health care professionals, policy makers and the general public.

Candidates with experience and skills in any of these areas should highlight them in their nomination materials.

Applicants must have no substantial conflicts of interest, whether financial, professional, or intellectual, that would impair the scientific integrity of the work of the USPSTF and must be willing to complete regular conflict of interest disclosures.

Applicants must have the ability to work collaboratively with a team of diverse professionals who support the mission of the USPSTF. Applicants must have adequate time to contribute substantively to the work products of the USPSTF.

DATES: All nominations submitted in writing or electronically will be considered for appointment to the USPSTF. Nominations must be received by May 15th of a given year to be considered for appointment to begin in January of the following year.

Nominated individuals will be selected for the USPSTF on the basis of their qualifications (in particular, those that address the required qualifications, outlined above) and the current expertise needs of the USPSTF. It is anticipated that two or three individuals will be invited to serve on the USPSTF beginning in January, 2013. All individuals will be considered;

however, strongest consideration will be given in 2012 to individuals with demonstrated training and expertise in the areas of behavioral medicine, family medicine, general internal medicine, and obstetrics/gynecology. AHRQ will retain and may consider nominations received this year and not selected during this cycle for future vacancies.

ADDRESSES: Submit your responses either in writing or electronically to: Gloria Washington, ATTN: USPSTF Nominations, Center for Primary Care, Prevention, and Clinical Partnerships, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850. *USPSTFmembernominations@AHRQ.hhs.gov*.

Nomination Submissions

Nominations may be submitted in writing or electronically, but must include:

(1) The applicant's current curriculum vitae and contact information, including mailing address, email address, and telephone number and

(2) A letter explaining how this individual meets the qualification requirements and how he/she would contribute to the USPSTF. The letter should also attest to the nominee's willingness to serve as a member of the USPSTF.

AHRQ will later ask persons under serious consideration for membership to provide detailed information that will permit evaluation of possible significant conflicts of interest. Such information will concern matters such as financial holdings, consultancies, and research grants or contracts.

Nominee Selection

Appointments to the USPSTF will be made on the basis of qualifications as outlined above (see Qualification Requirements) and the current expertise needs of the USPSTF.

Arrangement for Public Inspection

Nominations and applications are kept on file at the Center for Primary Care, Prevention, and Clinical Partnerships, AHRQ, and are available for review during business hours. AHRQ does not reply to individual nominations, but considers all nominations in selecting members. Information regarded as private and personal, such as a nominee's social security number, home and email addresses, home telephone and fax numbers, or names of family members will not be disclosed to the public. See 5 U.S.C. 552(b)(6); 45 CFR 5.67.

FOR FURTHER INFORMATION CONTACT: Gloria Washington at *USPSTFmembernominations@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

Under Title IX of the Public Health Service Act, AHRQ is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. 42 U.S.C. 299(b). AHRQ accomplishes these goals through scientific research and promotion of improvements in clinical practice, including clinical prevention of diseases and other health conditions, and improvements in the organization, financing, and delivery of health care services. See 42 U.S.C. 299(b).

AHRQ is authorized to convene the United States Preventive Services Task Force and to provide ongoing research, technical, administrative, and dissemination support for USPSTF's operation See 42 U.S.C. 299b-4(a)(1). The USPSTF, an independent body of experts in prevention and evidence-based medicine, works to improve the health of all Americans by making evidence-based recommendations about the effectiveness of clinical preventive services and health promotion.

The recommendations made by the USPSTF address clinical preventive services for adults and children, and include screening tests, counseling services, and preventive medications. The Task Force makes its recommendations based on comprehensive, systematic reviews and careful assessment of the available medical evidence. Current recommendations and procedures of the USPSTF may be found at: *uspreventiveservicestaskforce.org*.

The USPSTF is composed of members appointed by the Director of AHRQ to serve for four year terms. New members are selected each year to replace those members who are completing their appointments.

USPSTF members meet three times a year for two days in the Washington, DC area. A significant portion of the USPSTF's work occurs between meetings during conference calls and via email discussions. Member duties include prioritizing topics, designing research plans, reviewing and commenting on systematic evidence reviews of evidence, discussing and making recommendations on preventive services, reviewing stakeholder comments, drafting final recommendation documents, and participating in workgroups on specific topics and methods. Members can expect frequent emails, to participate in multiple conference calls each month, periodic interactions with stakeholders. AHRQ estimates that members devote approximately 200 hours a year outside

of in-person meetings to their USPSTF duties. The members are all volunteers.

To obtain a diversity of perspectives, AHRQ particularly encourages nominations of women, members of minority populations, and persons with disabilities. Interested individuals can self nominate. Organizations and individuals may nominate one or more persons qualified for membership on the USPSTF. Individuals nominated prior to May 15, 2011 who continue to have interest in serving should be re-nominated for consideration in the future.

Dated: March 15, 2012.

Carolyn M. Clancy,
Director.

[FR Doc. 2012-7269 Filed 3-27-12; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Notice of Intent To Provide Expansion and Capacity Building Funding to the Incumbent Senior Medicare Patrol (SMP) Grantees Under Limited Competition

SUMMARY: The Administration on Aging is announcing the availability of expansion funds for the support of the Senior Medicare Patrol (SMP) Program. This additional funding opportunity will be used to expand the reach of the SMP program with the explicit purpose of expanding current program capacity to recruit, train, and support the SMP volunteer network. In addition, this funding opportunity will increase targeted collaborative efforts with the Centers for Medicare and Medicaid Services, Office of Inspector General and other law enforcement entities in identified high fraud states.

Funding Opportunity Title/Program Name: Health Care Fraud Prevention Program Expansion and SMP Capacity Building Grants.

Announcement Type: Health Care Fraud Prevention Program Expansion Capacity.

Funding Opportunity Number: Program Announcement No. HHS-2012-AoA-SM-1208.

Statutory Authority: HIPAA of 1996 (Pub. L. 104-191).

(Catalog of Federal Domestic Assistance (CFDA) Number: 93.048 Discretionary Projects.)

DATES: The deadline date for comments on this program announcement is April 27, 2012. Other important dates:

- The application due date April 30, 2012.

- The anticipated start date is September 30, 2012.

I. Funding Opportunity Description

During the past several years, the Department of Health and Human Services has increased efforts to fight Medicare and Medicaid fraud. The Administration on Aging (AoA), through the SMP program, has worked in partnership with the Centers for Medicare and Medicaid Services (CMS), the Office of Inspector General (OIG), and the Department of Justice to expand strategies to eliminate waste, fraud, and abuse in these Federal programs. This additional funding opportunity will be used to expand the reach of the SMP program with the explicit purpose of expanding efforts to target collaborative efforts with CMS, OIG and other law enforcement entities in high fraud states and to expand current capacity to recruit, train, and support the SMP volunteer network.

Justification for the Exception to Competition

It is necessary to limit competition for this program to the current SMP grantees to expand their implementation efforts. In order for the outcomes expected to be produced within the allotted timeframe of the program, the infrastructure for achieving these results must already be in place. This infrastructure includes:

- A proven SMP volunteer management, training, and recruiting program;
- Expertise in capturing data in the SMP management, tracking, and reporting system (SMART FACTS);
- Established partnership relationships between the SMP program and state and local fraud control partners, including CMS, OIG, Attorney General, and State Insurance Commissioners offices;
- Developed and tested SMP program public awareness materials, brochures, PSAs, and other resources to use in outreach and educational efforts;
- Expertise and experience in reaching targeted populations with the SMP message, among others.

The current SMP projects are uniquely qualified to address the requirements contained in this funding opportunity. Their established infrastructure and expertise will enable them to successfully meet the challenging and time-sensitive requirements of this program. It is essential that the infrastructure, foundation of expertise, and proven experience is in place to assure the grant objectives are achieved.

II. Award Information

A. Purpose of the Program: Health Care Fraud Prevention Program Expansion.

B. Amount of the Awards: \$20,000 to \$300,000.

C. Project Period: September 30, 2012–September 29, 2013.

III. Eligible Applicants

Incumbent Senior Medicare Patrol (SMP) grantees.

IV. Evaluation Criteria

A. *Project Relevance & Current Need.* Weight: 5 points.

B. *Approach.* Weight: 30 points.

C. *Budget.* Weight: 10 points.

D. *Project Impact.* Weight: 10 points.

E. *Organizational Capacity.* Weight: 25 points.

V. Application and Submission Requirements

A. SF 424—Application for Federal Assistance.

B. SF 424A—Budget Information.

C. Separate Budget Narrative/Justification.

D. SF 424B—Assurances. Note: Be sure to complete this form according to instructions and have it signed and dated by the authorized representative (see item 18d of the SF 424).

E. Lobbying Certification.

F. Program narrative no more than five pages.

G. Work Plan.

H. The application should be submitted through grants.gov using the funding opportunity # HSS-2012-AoA-SM-1208.

VI. Application Review Information

Three independent reviewers external to the Office of Elder Rights will score the applications.

VII. Agency Contact

For further information or comments regarding this program expansion supplement, contact Rebecca Kinney, U.S. Department of Health and Human Services, Administration on Aging, Office of Elder Rights, One Massachusetts Avenue NW., Washington, DC 20001; telephone (202) 357-3520; fax (202) 357-3560; email Rebecca.Kinney@aoa.hhs.gov.

Dated: March 22, 2012.

Kathy Greenlee,

Assistant Secretary for Aging.

[FR Doc. 2012-7469 Filed 3-27-12; 8:45 am]

BILLING CODE 4154-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2012-N-0280]

Agency Information Collection Activities; Proposed Collection; Comment Request; Financial Disclosure by Clinical Investigators

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection on financial disclosure by clinical investigators.

DATES: Submit either electronic or written comments on the collection of information by May 29, 2012.

ADDRESSES: Submit electronic comments on the collection of information to <http://www.regulations.gov>. Submit written comments on the collection of information to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm.

1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50-400B, Rockville, MD 20850, 301-796-5156, Daniel.Gittleson@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's

estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Financial Disclosure by Clinical Investigators (OMB Control Number 0910-0396)—Extension

Respondents to this collection are sponsors of marketing applications that contain clinical data from studies covered by the regulations. These sponsors represent pharmaceutical, biologic, and medical device firms. Respondents are also clinical investigators who provide financial information to the sponsors of marketing applications.

Under § 54.4(a) (21 CFR 54.4(a)), applicants submitting an application that relies on clinical studies must submit a complete list of clinical investigators who participated in a covered clinical study, and must either certify to the absence of certain financial arrangements with clinical investigators (Form FDA 3454) or, under § 54.4(a)(3), disclose to FDA the nature of those arrangements and the steps taken by the applicant or sponsor to minimize the potential for bias (Form FDA 3455).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
54.4(a)(1) and (a)(2)—Form FDA 3454	902	1	902	1	902
54.4(a)(3)—Form FDA 3455	90	1	90	5	450
Total					1,352

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Under § 54.6, the sponsors of covered studies must maintain complete records of compensation agreements with any compensation paid to nonemployee clinical investigators, including information showing any financial

interests held by the clinical investigator, for a time period of 2 years after the date of approval of the applications. Sponsors of covered studies maintain many records with regard to clinical investigators,

including protocol agreements and investigator resumes or curriculum vitae. FDA estimates that an average of 15 minutes will be required for each recordkeeper to add this record to the clinical investigators' file.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹

21 CFR Section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
54.6	1,000	1	1,000	0.25	250

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Under § 54.4(b), clinical investigators supply to the sponsor of a covered study financial information sufficient to allow the sponsor to submit complete and accurate certification or disclosure statements. Clinical investigators are

accustomed to supplying such information when applying for research grants. Also, most people know the financial holdings of their immediate family and records of such interests are generally accessible because they are

needed for preparing tax records. For these reasons, FDA estimates that it will take clinical investigators 15 minutes to submit such records to the sponsor.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN ¹

21 CFR Section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
54.4(b)	10,554	1	10,554	0.17	1,794

¹ There are no capital costs or operating and maintenance costs associated with the collection of information.

Dated: March 22, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012-7405 Filed 3-27-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2007-D-0369]

Draft Guidance for Industry on Bioequivalence Recommendations for Iron Sucrose Injection; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled “Bioequivalence Recommendations for Iron Sucrose.” The recommendations provide specific guidance on the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs) for iron sucrose injection.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comments on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by May 29, 2012.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for

Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Doan T. Nguyen, Center for Drug Evaluation and Research (HFD-600), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-276-8608.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled “Bioequivalence Recommendations for Specific Products,” which explained the process that would be used to make product-specific BE recommendations available to the public on FDA’s Web site at <http://www.fda.gov/Drugs/Guidance/ComplianceRegulatoryInformation/Guidances/default.htm>. As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific BE recommendations and provide a meaningful opportunity for the public to consider and comment

on those recommendations. This notice announces the availability of draft BE recommendations for iron sucrose injection.

Venofer (iron sucrose injection), new drug application 021135, was initially approved by FDA in November 2000. There are no approved ANDAs for this product. FDA is now issuing a draft guidance for industry on BE recommendations for generic iron sucrose injection (Draft Iron Sucrose Injection BE Recommendations).

In March 2005, Luitpold Pharmaceuticals, Inc. (Luitpold), manufacturer of the reference listed drug (RLD), Venofer, submitted (through its attorneys) a citizen petition requesting that FDA withhold approval of any ANDA or 505(b)(2) application for a generic iron sucrose injection unless certain conditions were satisfied, including conditions related to demonstrating BE (Docket No. FDA-2005-P-0319, formerly 2005P-0095/CP1). FDA is reviewing the issues raised in the petition and is also reviewing the supplemental information and comments that have been submitted to the docket for that petition. FDA will consider any comments on the Draft Iron Sucrose Injection BE Recommendations before responding to Luitpold’s citizen petition.

This draft guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency’s current thinking on the design of BE studies to support ANDAs for iron sucrose injection. It does not create or confer any rights for

or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at either <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <http://www.regulations.gov>.

Dated: March 22, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012-7456 Filed 3-27-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2011-D-0577]

Guidance for Industry and Food and Drug Administration Staff; Factors To Consider When Making Benefit-Risk Determinations in Medical Device Premarket Approval and *de Novo* Classifications; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance document entitled "Factors to Consider When Making Benefit-Risk Determinations in Medical Device Premarket Approval and *De Novo* Classifications." This guidance is intended to provide greater clarity on FDA's decisionmaking process with regard to benefit-risk determinations in the premarket review of medical devices in the premarket approval and *de novo* pathways.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled "Factors to Consider When Making Benefit-Risk Determinations in Medical Device Premarket Approval and *De Novo* Classifications" to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993-0002; or to the Office of Communication, Outreach and Development (HFM-40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448. Send one self-addressed adhesive label to assist in processing your request, or fax your request to 301-847-8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

For devices regulated by CDRH: Ruth Fischer, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4424, Silver Spring, MD 20993-0002, 301-796-5735.

For devices regulated by CBER: Stephen Ripley, Center for Biologics Evaluation and Research (HFM-17), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852, 301-827-6210.

SUPPLEMENTARY INFORMATION:

I. Background

There are many factors that go into assessing the probable benefit of a device versus its probable risk. This guidance sets out the principal factors FDA considers when making this determination and explains them in detail. This guidance also gives examples of how the factors interrelate and how they may affect FDA's decisions. By clarifying FDA's decisionmaking process in this way, we hope to improve the predictability, consistency, and transparency of the review process for applicable devices. The factors described in this guidance apply to devices submitted under premarket approval applications and *de novo* petitions.

This guidance also includes a worksheet that reviewers will use in

making benefit-risk determinations for applicable devices. The worksheet is attached as Appendix B to the guidance, and examples of how reviewers might use the worksheet are attached as Appendix C to the guidance. This level of documentation is very helpful to maintaining the consistency of review across the different review divisions and better assuring that an appropriate decision is reached.

In the **Federal Register** of August 15, 2011 (76 FR 50483), FDA announced the availability of the draft guidance. Interested persons were invited to comment by November 14, 2011. FDA considered the comments and revised the guidance, as appropriate.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on factors to consider when making benefit-risk determinations in medical device premarket approval and *de novo* classifications. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. A search capability is available for all CDRH guidance documents at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm>. Guidance documents are also available at either <http://www.regulations.gov> or <http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm>. To receive "Factors to Consider When Making Benefit-Risk Determinations in Medical Device Premarket Approval and *De Novo* Classifications" from CDRH, you may either send an email request to dsmica@fda.hhs.gov to receive an electronic copy of the document or send a fax request to 301-847-8149 to receive a hard copy. Please use the document number 1772 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

FDA concludes that this guidance contains no new collections of information. The guidance refers to currently approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of

Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910–0120; and the collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 22, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012–7418 Filed 3–27–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0001]

Gastroenterology and Urology Devices Panel of the Medical Devices 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: Gastroenterology and Urology Devices Panel of the Medical Devices 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 May 10 and 11, 2012, from 8 a.m. to 6 p.m.

Location: Hilton Washington, DC North/Gaithersburg, Salons A, B, C, and D, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel's telephone number is 301–977–8900.

Contact Person: Avena Russell, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1535, Silver Spring, MD 20993–0002, Avena.Russell@fda.hhs.gov, 301–796–

3805, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), and follow the prompts to the desired center or product area. Please call the Information Line for up-to-date information on this meeting. 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 and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On May 10 and 11, 2012, the committee will discuss general issues related to medical devices intended for obese patients. The committee will provide recommendations regarding trial design for clinical studies to evaluate the safety and effectiveness of weight loss devices placed either endoscopically (balloons and suture devices) or laparoscopically (bands, space-occupying devices, etc.) and contrast those to surgery. Additional discussion will include issues pertaining to clinically meaningful weight loss, when the primary endpoint should be measured, length of patient followup, and how much risk is acceptable for a potentially small amount of weight loss.

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 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 April 27, 2012. Oral presentations from the public will be scheduled on May 10, 2012 between approximately 12:30 p.m. and 2 p.m. and on May 11, 2012 between approximately 11 a.m. and 12 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 April 19, 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 April 20, 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 James Clark, Conference Management Staff, at James.Clark@fda.hhs.gov or 301–796–5293 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: March 22, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012–7406 Filed 3–27–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0001]

Circulatory System Devices Panel of the Medical Devices 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: Circulatory System Devices Panel of the Medical Devices 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 May 24, 2012, from 8 a.m. to 6 p.m.

Location: Hilton Washington, DC North/Gaithersburg, Montgomery Rm., 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel telephone number is 301-977-8900.

Contact Person: Jamie Waterhouse, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1611, Silver Spring, MD 20993-0002, 301-796-3063, Jamie.Waterhouse@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), and follow the prompts to the desired center or product area. Please call the Information Line for up-to-date information on this meeting. 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 and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On May 24, 2012, the committee will discuss current knowledge about the safety and effectiveness of the AMPLATZER ASO Device & Gore HELEX ASD Occluder as transcatheter Atrial Septal Defect (ASD) occluders used for the closure of secundum atrial septal defects. The AMPLATZER Septal Occluder (ASO) Device was the first device introduced to the US market in 2001 followed by the Gore HELEX device in 2006. With more widespread use of these devices, more information has become available regarding adverse events. These events range from rare life-threatening events to more common events that are perceived to have less severe clinical sequelae. Many of these events were evident in the premarket studies; however, rare events such as erosion were not seen. The purpose of discussion of these events is: (1) To discuss the significance of these events in the overall context of the disease and existing treatment options; (2) to discuss whether additional measures should be taken to improve protection of the public health (e.g., additional study and/or data analyses, labeling changes); and (3) to communicate to patients and physicians what is and is not known about device treatment options.

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 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 May 16, 2012. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 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 May 9, 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 May 11, 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 AnnMarie Williams, Conference Management Staff at AnnMarie.Williams@fda.hhs.gov, 301-796-5966, 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: March 23, 2012.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2012-7407 Filed 3-27-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2011-N-0121]

Small Entity Compliance Guide: Further Amendments to General Regulations of the Food and Drug Administration To Incorporate Tobacco Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled "Further Amendments to General Regulations of the Food and Drug Administration to Incorporate Tobacco Products—Small Entity Compliance Guide" for a final rule published in the **Federal Register** of February 2, 2012. This small entity compliance guide (SECG) is intended to set forth in plain language the requirements of the regulation and to help small businesses understand and comply with the regulation.

DATES: Submit either electronic or written comments on the SECG at any time.

ADDRESSES: Submit written requests for single copies of the SECG entitled "Further Amendments to General Regulations of the Food and Drug Administration to Incorporate Tobacco Products—Small Entity Compliance Guide" to the Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850-3229. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the guidance document may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Gerie Voss, Center for Tobacco Products, Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850-3229, 877-287-1373, gerie.voss@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

In the **Federal Register** of February 2, 2012 (77 FR 5171), FDA issued a final rule regarding further amendments to the general regulations of the FDA to incorporate tobacco products. FDA examined the economic implications of the final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601-612) and determined that the rule would have a significant economic impact on a substantial number of small entities. In compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104-121), FDA is making available this SECG stating in plain language the legal requirements of the February 2, 2012, final rule, set forth in 21 CFR parts 1, 7, and 16, amending the FDA's general regulations to ensure that tobacco products are subject to the same general requirements that apply to other FDA-regulated products.

FDA is issuing this SECG as level 2 guidance consistent with FDA's good guidance practices regulation (21 CFR 10.115(c)(2)). The SECG represents the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at <http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/default.htm> or <http://www.regulation.gov>.

Dated: March 23, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012-7455 Filed 3-27-12; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Government-Owned Inventions; Availability for Licensing**

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852-3804; telephone: 301-496-7057; fax: 301-402-0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Lenalidomide Analogs for the Treatment of Neurodegenerative Disorders and Cancer

Description of Technology: Inflammatory processes associated with the over-production of tumor necrosis-alpha (TNF- α), a potent activator of the immune system accompany numerous neurodegenerative diseases. TNF- α has been validated as a drug target with the development of the inhibitors Enbrel and Remicade (fusion antibodies) as prescription medications. Both, however, are large macromolecules that require direct injection and have limited brain access. The classical drug, thalidomide is being increasingly used in the clinical management of a wide spectrum of immunologically-mediated and infectious diseases, and cancers. The NIA inventors developed and assessed novel thio analogs of lenalidomide (Celgene's Revlimid and an analog of thalidomide) as immunomodulatory agents, with the

potential to reduce chronic systemic and central nervous system inflammation. These compounds were synthesized and evaluated for their TNF- α inhibitory activity. This invention was extended from the inventors' prior work to develop potent compounds to reduce neuroinflammation as a treatment strategy for neurodegenerative disorders. The current studies focus the compounds activity in classical models of neurodegeneration as well as cancer.

Potential Commercial Applications:

- Treatment for blood disorders (myelodysplastic syndrome), cancer (multiple myeloma), inflammatory processes and erythema
 - Immunomodulatory agents
 - Reduce chronic systemic and central nervous system inflammation
- Competitive Advantages:*
- Effective smaller molecular weight compound that can enter brain among current agents

- Experimental therapeutic to reduce inflammation systematically and within the brain

- Effective in reducing proinflammatory cytokines than existing agents

Development Stage:

- Prototype
- Clinical
- In vitro data available
- In vivo data available (animal)

Inventors: Nigel H. Greig, Weiming Luo, David Tweedie, Harold W. Holloway, Qian-sheng Yu (all of NIA).

Publication: Luo W, et al. Design, synthesis and biological assessment of novel N-substituted 3-(phthalimidin-2-yl)-2,6-dioxopiperidines and 3-substituted 2,6-dioxopiperidines for TNF-alpha inhibitory activity. *Bioorg Med Chem.* 2011 Jul 1;19(13):3965-3972. [PMID 21658960]

Intellectual Property: HHS Reference No. E-045-2012/0—U.S. Patent Application No. 13/310,242 filed 02 Dec 2011.

Related Technologies: HHS Reference No. E-189-2003/0—

- U.S. Patent No. 7,973,057 issued 05 Jul 2011
- U.S. Application No. 13/153,355 filed 03 Jun 2011
- and related international patents/patent applications

Licensing Contact: Whitney Hastings, Ph.D.; 301-451-7337; hastingsw@mail.nih.gov.

Use of Englerin A, a Small Molecule HSF1 Activator, for the Treatment of Diabetes, Obesity, and Other Diseases Associated With Insulin Resistance

Description of Technology: Insulin resistance is a causative factor for type

2 diabetes, obesity and a number of other conditions. This technology claims methods for treating diseases or conditions associated with insulin resistance using the small molecule epoxy-guaiane derivative englerin A and related compounds. The compounds are claimed separately in a related NIH technology.

The inventors have shown that englerin A, a compound originally isolated from the *Phyllanthus* plant and previously identified as an anti-cancer agent, can also be used to treat insulin resistance. Insulin resistance is associated with reduced gene expression and production of heat shock protein 70 (HSP70). Using a mouse with tumor model, the inventors discovered that administration of englerin A decreases blood glucose levels by activating transcription of HSF1, thereby increasing the expression and secretion of HSP70. Thus, englerin A and related compounds represent potential drugs for the treatment of a variety of conditions associated with insulin resistance.

Potential Commercial Applications: Treatment of diseases or conditions associated with insulin resistance, such as type 2 diabetes, obesity, inflammation, metabolic syndrome, polycystic ovary disease, arteriosclerosis, non-alcoholic fatty liver disease, reproductive abnormality of a female, and growth abnormality.

Competitive Advantages: Use of small-molecule compounds targeting HSF1 represents a novel approach to the treatment of type 2 diabetes and other conditions caused by insulin resistance.

Development Stage:

- In vitro data available
- In vivo data available (animal)

Inventors: Leonard Neckers et al. (NCI).

Publication: Ratnayake R, et al. Englerin A, a selective inhibitor of renal cancer cell growth, from *Phyllanthus engleri*. *Org Lett*. 2009 Jan 1;11(1):57–60. [PMID 19061394]

Intellectual Property: HHS Reference No. E-042-2012/0—U.S. Application No. 61/584,526 filed 09 Jan 2012.

Related Technologies: HHS Reference No. E-064-2008/2—U.S. Application No. 12/811,245 filed 29 Jul 2010 and related international applications.

Licensing Contact: Tara Kirby, Ph.D.; 301-435-4426; tarak@mail.nih.gov.

Collaborative Research Opportunity: The NCI Urologic Oncology Branch is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize epoxyguaianes as anti-type 2 diabetes agents. For collaboration opportunities,

please contact John Hewes, Ph.D. at hewesj@mail.nih.gov.

A Novel, Non-invasive Test for the Detection of Chromaffin Cell Tumors Associated With SDHB Mutation

Description of Technology:

Pheochromocytomas/paragangliomas (PHEOs/PGLs) are hormone producing tumors of the sympathetic nervous system located in the adrenal glands (which sit atop the kidneys) or the paraganglia, which are distributed throughout the upper body. Mutations in the gene of a mitochondrial protein, succinate dehydrogenase B (SDHB), can cause PHEOs/PGLs that have a high rate of malignancy. Normally, PHEOs/PGLs can be diagnosed by measuring increased stress hormone metabolites in blood or urine. However, detection of SDHB-related PHEOs/PGLs can be difficult as up to ten percent do not show elevated stress hormone metabolites, and thus proper diagnosis requires expensive and often not-widely-available imaging. In addition, SDHB-PHEO/PGL patients need regular imaging to rule out development of metastases and family members of patients with SDHB-PHEOs/PGLs need genetic testing for risk evaluation. A significant need remains for additional diagnostic methods to prevent misdiagnosis of patients with non-secreting or metastatic SDHB-PHEOs/PGLs and risk evaluation of family members.

Researchers at the *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD) have developed methods to identify SDHB mutation based on the presence/absence of just four urinary peptides. Further data from the researchers suggests that metastatic PGLs can also be identified in patients based on their urinary peptide pattern.

Potential Commercial Applications: Diagnostic kits for non-secreting or metastatic PHEOs/PGLs in patients, or for risk assessment of their family members.

Competitive Advantages:

- Cost-effective
- Non-invasive
- Sample collection could occur at home or doctor's office

Inventors: Karel Pacak (NICHD) et al.

Intellectual Property: HHS Reference No. E-201-2011/0 — U.S. Provisional Application No. 61/498,428 filed 17 Jun 2011.

Licensing Contact: Patrick P. McCue, Ph.D.; 301-435-5560; mccuepat@mail.nih.gov.

Collaborative Research Opportunity: The *Eunice Kennedy Shriver* National Institute of Child Health and Human

Development is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize a urine-based diagnostic to detect proteins associated with pheochromocytoma/paraganglioma (PHEO/PGL). For collaboration opportunities, please contact Joseph M. Conrad III, Ph.D., J.D. at jmconrad@mail.nih.gov.

T Lymphocyte (T Cell) Clones That Recognize the Tumor Associated Antigens gp100 and MART-1

Description of Technology: Scientists at the National Institutes of Health (NIH) have developed cytotoxic, CD8+ T lymphocyte (T cell) clones, designated R6C12 and JKF6, derived from tumor infiltrating lymphocytes (TIL) of cancer patients. The R6C12 clone recognizes the tumor associated antigen (TAA) gp100 and has been shown to be specific for amino acids 209–217 of the gp100 protein, known as the 210M or g209-2M peptide. The JKF6 clone recognizes the TAA MART-1, specifically the peptide represented by amino acids 27–35 of the MART-1 protein. TIL are a subset of T cells found within tumors that have high specificity for the antigen(s) expressed by that tumor.

MART-1 (also known as Melan-A) and gp100 are TAAs expressed primarily by melanomas and at low levels in normal melanocytes. MART-1 is a melanocyte differentiation antigen found on the surface of these cells and gp100 is a transmembrane glycoprotein. Both proteins are located in the melanosomes of normal melanocytes, the melanin producing organelle of these cells. In cancer patients with gp100+ and or MART-1+ tumors, T cells, such as TIL, have been identified that recognize particular epitopes of these TAAs to mediate tumor cell killing. Cancer vaccines and adoptive T cell immunotherapies have been developed to generate immune responses to target one or both of these antigens for cancer regression.

Potential Commercial Applications:

- Characterize and develop T cell receptors for use in adoptive immunotherapy of MART-1+ and gp100+ cancers
- Develop molecular screens to characterize tumor antigen expression of patient samples and/or laboratory cell lines
- Develop research materials to better understand T cell functions, including antigen recognition, cell signaling, and immune responses
- Positive controls for T cells with high reactivity to gp100 and MART-1

Competitive Advantages:

- These T cell clones were isolated and selected from the bulk TIL cultures of the respective patients from which they were derived due to their superior reactivity to their TAA antigen.

- Significant data has been collected on their characteristics, including identification of the tumor associated antigen and specific cancer peptide recognized by the T cell receptor of each clone.

Development Stage:

- Pre-clinical
- Clinical
- In vitro data available
- In vivo data available (human)

Inventors: Mark E. Dudley and Steven A. Rosenberg (both of NCI).

Publications:

1. Dudley M, et al. Cancer regression and autoimmunity in patients after clonal repopulation with antitumor lymphocytes. *Science*. 2002 Oct 25;298(5594):850–854. [PMID 12242449]

2. Dudley M, et al. Adoptive transfer of cloned melanoma-reactive T lymphocytes for the treatment of patients with metastatic melanoma. *J Immunother*. 2001 Jul–Aug;24(4):363–373. [PMID 11565838]

Intellectual Property: HHS Reference No. E–267–2010/0—Research Tool. Patent protection is not being pursued for this technology.

Related Technologies:

- HHS Reference No. E–057–1994—Melanoma Antigens and Their Use in Diagnostic and Therapeutic Methods

- HHS Reference No. E–086–2001—Peptides of a Melanoma Antigen and Their Use in Diagnostic, Prophylactic, and Therapeutic Methods

- HHS Reference No. E–106–2004—Compositions Comprising T cell Receptors and Methods of Use Thereof

- HHS Reference No. E–304–2006—Modified T cell Receptors and Related Materials and Methods

- HHS Reference No. E–059–2007—gp100-specific T cell Receptors and Related Materials and Methods

- HHS Reference No. E–312–2007—Modified T cell Receptors and Related Materials and Methods

- HHS Reference No. E–257–2008—Melanoma Associated Peptide Analogues and Vaccines Against Melanoma

- HHS Reference No. E–261–2008—Melanoma Associated Antigenic Polypeptide, Epitopes Thereof and Vaccines Against Melanoma

Licensing Contact: Samuel E. Bish, Ph.D.; 301–435–5282; bishse@mail.nih.gov.

Dated: March 22, 2012.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2012–7420 Filed 3–27–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Personalized Body Weight Management System Using Monitoring Devices and Mathematical Models of Metabolism

Description of Technology: Attempts to manage body weight are often unsuccessful or only temporary. This is, in part, due to antiquated dieting methods that attempt to address calorie consumption while ignoring metabolic and physical changes. It is becoming clear that personalized methods to manage body weight must be developed.

Scientists at the NIH have developed new methods for prescribing and monitoring personalized weight management interventions. The system uses validated mathematical models of human metabolism to set weight management goals and predict individual body weight outcomes in the context of changing metabolic needs and calorie consumption. The system uses repeated monitoring of a patient's body weight to assess progress and

provide specific feedback to the patient and health care professional. Projected outcomes and body weight goals can be revised over time along with required prescription modifications to meet the body weight goals. The system is integrated into a network of one or more devices that may additionally monitor various physiological parameters, physical activities, food intake, or other behaviors. Such an enhanced personalized weight management program has great promise in the management of obesity.

Potential Commercial Applications:

- Devices—Weight management diagnostic.
- Software for the integration of multiple devices.

Competitive Advantages: Integrated system provides feedback to health care professional and patient with more accurate predictors of weight loss outcomes. Combined with other devices, patient receives encouragement to stay on track.

Inventor: Kevin D. Hall (NIDDK).

Publications:

1. Hall KD, Sacks G, Chandramohan D, Chow CC, Wang YC, Gortmaker SL, Swinburn BA. Quantification of the effect of energy imbalance on bodyweight. *Lancet*. 2011 378 (9793):826–837. [PMID 21872751]

2. Hall KD and Chow CC. Estimating changes in free-living energy intake and its confidence interval. *Am J Clin Nutr*. 2011 Jul;94(1):66–74. [PMID 21562087]

3. Hall KD. Predicting metabolic adaptation, body weight change, and energy intake in humans. *Am J Physiol Endocrinol Metab*. 2010 Mar;298(3):E449–466. [PMID 19934407]

Intellectual Property: HHS Reference No. E–063–2012/0—U.S. Provisional Application No. 61/592,325 filed 30 Jan 2012.

Licensing Contact: Michael A. Shmilovich, Esq., CLP; 301–435–5019; shmilovm@mail.nih.gov.

Collaborative Research Opportunity: The NIDDK Laboratory of Biological Modeling is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Marguerite J. Miller at 301–496–9003 or miller marg@nidk.nih.gov.

Direct Impact Spark Ionization (DISI) Mass Spectrometry (MS) for Identification of Microbes

Description of Technology: Generating reproducible mass spectra from bacterial samples in a timely fashion at atmospheric pressure remained problematic for many years. FDA/NCTR

inventors designed a rapid mass spectrometry device using direct impact spark ionization source for microbial analytes identification via spectral pattern recognition. The device design includes a rapid mass spectrometer suitable for analyzing microbiological samples that was earlier used to analyze low volatile organic compounds. The device employs a solid needle for electrode discharge. It includes a gear plate that introduces stainless steel pins carrying bacterial samples. The pins also act as counter electrodes and are targeted by controlled arcs. The small custom-made glass cylinder that is meant to shut out oxygen and prevent the introduction of ambient moisture into the analyte is unique from other DISI device. The examination revealed enormous peak intensity and spectral information with normal ionization mode on the same instrument. This device can be employed in fields such as pathogen determination in clinical settings, QA/QC (of drugs, food or cosmetic ingredients), continuous monitoring of (airborne) Biological Warfare Agents and the like.

Potential Commercial Applications:

- Pathogen detection,
- QA/QC (of drugs, food or cosmetic ingredients),
- Continuous monitoring of (airborne) Biological Warfare Agents and the like.

Competitive Advantages:

- Rapid, specific, sensitive and reproducible identification of microbiological analytes.
- Systematic acquisition of reproducible spectra among same bacterial species.
- Whole cell analysis of food-borne pathogens is rapid, safer and micro-reliable.
- Characteristic mass spectra obtained and reproduced for food-borne pathogens.
- Unique DISI device with gas cylinder chamber.

Development Stage:

- Prototype.
- In vitro data available.

Inventors: Peter Alusta, Cameron Dorey, Ryan Parker, Dan A. Buzatu, Jon G. Wilkes (all of FDA/NCTR).

Intellectual Property: HHS Reference No. E-258-2011/0—U.S. Patent Application No. 13/271,182 filed 11 Oct 2011.

Related Technologies:

- HHS Reference No. E-169-2000/0—U.S. Patent Application No. 09/975,530 filed 10 Oct 2001.
- HHS Reference No. E-259-2011/0—U.S. Provision Application No. 61/564,926 filed 30 Nov 2011.

Licensing Contact: Michael A. Shmilovich, Esq., CLP; 301-435-5019; shmilovm@mail.nih.gov.

Collaborative Research Opportunity: The NCTR/FDA inventors are seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this device. For collaboration opportunities, please contact Alice Y. Welch, Ph.D. at Alice.Welch@fda.hhs.gov.

Method of Treating Hepatitis C Virus Infection With a Small Molecule CHK2 Inhibitor

Description of Technology: DNA damage sensors such as Checkpoint Kinase 2 (Chk2) are key regulators of the cellular DNA damage response that limits cell-cycle progression in response to DNA damage. It has been reported that these DNA damage sensors also play a key role in Hepatitis C virus (HCV) replication. The subject technology are small molecule CHK2 kinase inhibitors that have been shown to have promising activity against HCV replication. The compounds were discovered by high throughput screening of chemical libraries with more than 150,000 compounds. These novel compounds can potentially be used in combination with other anti-HCV drugs or interferon and represent a novel target for treating HCV. *In vitro* antiviral assay data, as well as preliminary *in vitro* and *in vivo* pharmacokinetic data are available upon request.

Potential Commercial Applications: The subject technology can potentially be developed into anti-HCV therapeutics, particularly in combination with other anti-HCV therapeutics.

Competitive Advantages: The subject technology represents a novel and promising target for treating HCV infection and thus, has the potential to increase the efficacy of other HCV antivirals that directly target HCV in a multi-drug formulation. Furthermore, since the subject technology targets a cellular protein necessary for HCV replication and not the virus itself, the emergence of viral resistance against the subject technology could be low or more delayed.

Development Stage:

- Early-stage.
- Pre-clinical.
- In vitro data available.
- In vivo data available (animal).

Inventors: Yves G. Pommier, Robert H. Shoemaker, Dominic A. Scudiero, Andrew G. Jobson, David S. Waugh, George T. Lountos (all of NCI)

Publications:

1. Jobson AG, et al. Identification of a Bis-guanylhydrazone [4,4'-Diacetyldiphenylurea-

bis(guanylhydrazone); NSC 109555] as a novel chemotype for inhibition of Chk2 kinase. *Mol Pharmacol* 2007 Oct;72(4):876-884. [PMID 17616632]

2. Jobson AG, et al. Cellular inhibition of checkpoint kinase 2 (Chk2) and potentiation of camptothecins and radiation by the novel Chk2 inhibitor PV1019 [7-nitro-1H-indole-2-carboxylic acid {4-[1-(guanidinohydrazone)-ethyl]-phenyl}-amide]. *J Pharmacol Exp Ther*. 2009 Dec;331(3):816-826. [PMID 19741151]

3. Lountos GT, et al. Crystal structure of checkpoint kinase 2 in complex with NSC 109555, a potent and selective inhibitor. *Protein Sci*. 2009 Jan;18(1):92-100. [PMID 19177354]

4. Lountos GT, et al. X-ray structures of checkpoint kinase 2 in complex with inhibitors that target its gatekeeper-dependent hydrophobic pocket. *FEBS Lett*. 2011 Oct 20;585(20):3245-3249. [PMID 21907711]

5. Lountos GT, et al. Structural characterization of inhibitor complexes with checkpoint kinase 2 (Chk2), a drug target for cancer therapy. *J Struct Biol*. 2011 Dec;176(3):292-301. [PMID 21963792]

Intellectual Property: HHS Reference No. E-224-2011/0—U.S. Provisional Patent Application No. 61/551,742 filed 26 Oct 2011.

Related Technology: HHS Reference No. E-211-2005/0—U.S. Patent Application No. 11/989,737 filed 29 Jan 2008, with corresponding applications in Europe, Canada, and Australia.

Licensing Contact: Kevin W. Chang, Ph.D.; 301-435-5018; changke@mail.nih.gov.

Dated: March 22, 2012.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2012-7419 Filed 3-27-12; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4057-DR; Docket ID FEMA-2012-0002]

Kentucky; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the

Commonwealth of Kentucky (FEMA-4057-DR), dated March 6, 2012, and related determinations.

DATES: *Effective Date:* March 20, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 6, 2012.

Ballard County for Public Assistance. Johnson, Kenton, Larue, Pendleton, Trimble, and Wolfe Counties for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012-7396 Filed 3-27-12; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA-4057-DR; Docket ID FEMA-2011-0001]

Kentucky; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA-4057-DR), dated March 6, 2012, and related determinations.

DATES: *Effective Date:* March 16, 2012.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of March 6, 2012.

Grant, Laurel, Lawrence, Magoffin, Martin, Menifee, and Morgan Counties for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2012-7399 Filed 3-27-12; 8:45 am]

BILLING CODE 9111-23-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2012-0003; Internal Agency Docket No. FEMA-B-1246]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting

Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 26, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1246, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community

must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown

on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation

process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Community	Community map repository address
Pinal County, Arizona, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.R9map.org/pinal-county	
City of Maricopa	City Hall, 45145 West Madison Avenue, Maricopa, AZ 85139.
Unincorporated Areas of Pinal County	Pinal County Engineering Department, 31 North Pinal Street, Building F, Florence, AZ 85132.
Pike County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/kentucky/pike/	
City of Coal Run Village	Coal Run Village City Hall, 81 Church Street, Pikeville, KY 41501.
City of Pikeville	City Hall, 118 College Street, Pikeville, KY 41501.
Unincorporated Areas of Pike County	Pike County Courthouse, 146 Main Street, Pikeville, KY 41501.
Carroll County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.rampp-team.com/md.htm	
City of Taneytown	City Hall, 17 East Baltimore Street, Taneytown, MD 21787.
City of Westminster	City Hall, 56 West Main Street, Westminster, MD 21157.
Town of Hampstead	Town Hall, 1034 South Carroll Street, Hampstead, MD 21074.
Town of Manchester	Town Hall, 3208 York Street, Manchester, MD 21102.
Town of Mount Airy	Town Hall, 110 South Main Street, Mount Airy, MD 21771.
Town of New Windsor	Town Hall, 211 High Street, New Windsor, MD 21776.
Town of Sykesville	Town Hall, 7457 Main Street, Sykesville, MD 21784.
Town of Union Bridge	Town Hall, 104 West Locust Street, Union Bridge, MD 21791.
Unincorporated Areas of Carroll County	Carroll County Office Building, 225 North Center Street, Westminster, MD 21157.
Lauderdale County, Mississippi, and Incorporated Areas	
Maps Available for Inspection Online at: http://geology.deq.ms.gov/floodmaps/Projects/FY2009/?county=Lauderdale	
City of Meridian	City Hall, 601 24th Avenue, Meridian, MS 39302
Unincorporated Areas of Lauderdale County	Lauderdale County Courthouse, Tax Assessor's Office, 500 Constitution Avenue, Meridian, MS 39301.
Oneida County, Wisconsin, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/OneidaWI	
City of Rhinelander	City Hall, 135 South Stevens Street, Rhinelander, WI 54501.
Lac Du Flambeau Band of Lake Superior Chippewa Indians	William Wildcat Tribal Community Building, 418 Little Pines Road, Lac du Flambeau, WI 54538.
Unincorporated Areas of Oneida County	Oneida County Offices, 1 South Oneida Avenue, Rhinelander, WI 54501.

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

Dated: March 15, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-7387 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2012-0003: Internal Agency Docket No. FEMA-B-1241]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective,

will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 26, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1241, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact

stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Community	Community map repository address
Garfield County, Colorado, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/region-viii/preliminary-map-products/	
City of Glenwood Springs	City Hall, 101 West 8th Street, Glenwood Springs, CO 81601.
City of Rifle	City Hall, 202 Railroad Avenue, Rifle, CO 81650.
Town of New Castle	Town Hall, 450 West Main Street, New Castle, CO 81647.
Town of Parachute	Town Hall, 222 Grand Valley Way, Parachute, CO 81635.
Town of Silt	Town Hall, 231 North 7th Street, Silt, CO 81652.
Unincorporated Areas of Garfield County	Garfield County Courthouse, 108 8th Street, Glenwood Springs, CO 81601.

Community	Community map repository address
Brevard County, Florida, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/florida/brevard/	
Cape Canaveral Port Authority	Station Director's Office, 200 George King Boulevard, Cape Canaveral, FL 32920.
City of Cape Canaveral	City Hall, 105 Polk Avenue, Cape Canaveral, FL 32920.
City of Cocoa	City Hall, 65 Stone Street, Cocoa, FL 32922.
City of Cocoa Beach	City Hall, Building Department, 2 South Orlando Avenue, Cocoa Beach, FL 32931.
City of Indian Harbour Beach	City Hall, 2055 South Patrick Drive, Indian Harbour Beach, FL 32937.
City of Melbourne	City Hall, 900 East Strawbridge Avenue, Melbourne, FL 32901.
City of Palm Bay	City Hall, 120 Malabar Road Southeast, Palm Bay, FL 32907.
City of Rockledge	City Hall, Building Department, 1600 Huntington Lane, Rockledge, FL 32956.
City of Satellite Beach	City Hall, Building and Zoning Department, 565 Cassia Boulevard, Satellite Beach, FL 32937.
City of Titusville	City Hall, Department of Planning and Zoning, 555 South Washington Avenue, Titusville, FL 32796.
City of West Melbourne	City Hall, 2240 Minton Road, West Melbourne, FL 32904.
Town of Grant-Valkaria	Town Hall, 4240 U.S. Route 1, Grant-Valkaria, FL 32949.
Town of Indialantic	Town Hall, 216 5th Avenue, Indialantic, FL 32903.
Town of Malabar	Town Hall, 2725 Malabar Road, Malabar, FL 32950.
Town of Melbourne Beach	Town Hall, 507 Ocean Avenue, Melbourne Beach, FL 32951.
Town of Melbourne Village	Town Hall, 555 Hammock Road, Melbourne Village, FL 32904.
Town of Palm Shores	Town Clerk's Office, 151 Palm Circle, Palm Shores, FL 32940.
Unincorporated Areas of Brevard County	Brevard County Public Works Department, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940.

Broward County, Florida, and Incorporated Areas

Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/florida/broward/	
City of Coconut Creek	City Hall, 4800 West Copans Road, Coconut Creek, FL 33063.
City of Cooper City	City Hall, 9090 Southwest 50th Place, Cooper City, FL 33328.
City of Coral Springs	City Hall, 9551 West Sample Road, Coral Springs, FL 33065.
City of Dania Beach	City Hall, 100 West Dania Beach Boulevard, Dania Beach, FL 33004.
City of Deerfield Beach	City Hall, 150 Northeast 2nd Avenue, Deerfield Beach, FL 33441.
City of Fort Lauderdale	City Hall, 100 North Andrews Avenue, Fort Lauderdale, FL 33301.
City of Hallandale Beach	City Hall, 400 South Federal Highway, Hallandale Beach, FL 33009.
City of Hollywood	City Hall, 2600 Hollywood Boulevard, Hollywood, FL 33020.
City of Lauderdale Lakes	City Hall, 4300 Northwest 36th Street, Lauderdale Lakes, FL 33319.
City of Lauderhill	City Hall, 2000 City Hall Drive, Lauderhill, FL 33313.
City of Lighthouse Point	City Hall, 2200 Northeast 38th Street, Lighthouse Point, FL 33064.
City of Margate	City Hall, 5790 Margate Boulevard, Margate, FL 33063.
City of Miramar	City Hall, 2300 Civic Center Place, Miramar, FL 33025.
City of North Lauderdale	City Hall, 701 Southwest 71st Avenue, North Lauderdale, FL 33068.
City of Oakland Park	City Hall, 3650 Northeast 12th Avenue, Oakland Park, FL 33334.
City of Parkland	City Hall, 6600 University Drive, Parkland, FL 33067.
City of Pembroke Pines	City Hall, 10100 Pines Boulevard, Pembroke Pines, FL 33026.
City of Plantation	City Hall, 400 Northwest 73rd Avenue, Plantation, FL 33317.
City of Pompano Beach	City Hall, 100 West Atlantic Boulevard, Pompano Beach, FL 33060.
City of Sunrise	City Hall, 10770 West Oakland Park Boulevard, Sunrise, FL 33351.
City of Tamarac	City Hall, 7525 Northwest 88th Avenue, Tamarac, FL 33321.
City of West Park	City Hall, 1965 South State Route 7, West Park, FL 33023.
City of Weston	City Hall, 17200 Royal Palm Boulevard, Weston, FL 33326.
City of Wilton Manors	City Hall, 524 Northeast 21st Court, Wilton Manors, FL 33305.
Seminole Tribe of Florida	6300 Stirling Road, Hollywood, FL 33024.
Town of Davie	Town Hall, 6591 Orange Drive, Davie, FL 33314.
Town of Hillsboro Beach	Town Hall, 1210 Hillsboro Mile, Hillsboro Beach, FL 33062.
Town of Lauderdale-By-The-Sea	Town Hall, 4501 Ocean Drive, Lauderdale-By-The-Sea, FL 33308.
Town of Pembroke Park	Town Hall, 3150 Southwest 52nd Avenue, Pembroke Park, FL 33023.
Town of Southwest Ranches	Town Hall, 6589 Southwest 160th Avenue, Southwest Ranches, FL 33331.
Unincorporated Areas of Broward County	Broward County Department of Natural Resource Protection, 218 Southwest, 1st Avenue, Fort Lauderdale, FL 33301.
Village of Lazy Lake	Village Hall, 2250 Lazy Lane, Lazy Lake, FL 33305.
Village of Sea Ranch Lakes	Village Hall, 1 Gatehouse Road, Sea Ranch Lakes, FL 33308.

Calhoun County, Florida, and Incorporated Areas

Maps Available for Inspection Online at: http://portal.nfwmdfloodmaps.com	
City of Blountstown	City Hall, 20591 Central Avenue, West Blountstown, FL 32424.

Community	Community map repository address
Town of Altha	Town Hall, 25586 North Main Street, Altha, FL 32421.
Unincorporated Areas of Calhoun County	Calhoun County Courthouse, 20859 Central Avenue, East Blountstown, FL 32424.

Liberty County, Florida, and Incorporated Areas

Maps Available for Inspection Online at: <http://portal.nfwmdfloodmaps.com>

City of Bristol	City Hall, 12444 Northwest Virginia G. Weaver Street, Bristol, FL 32321.
Unincorporated Areas of Liberty County	Liberty County Building Department, 10818 Northwest State Road 20, Bristol, FL 32321.

Fulton County, Georgia, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.georgiadfirm.com/status/mapmodStatus.html>

City of Alpharetta	Engineering Office, 1790 Hembree Road, Alpharetta, GA 30009.
City of Atlanta	Office of Site Development, 55 Trinity Avenue, Suite 4400, Atlanta, GA 30303.
City of Chattahoochee Hills	City Hall, 6505 Rico Road, Chattahoochee Hills, GA 30268.
City of College Park	Office of Engineering, 3667 Main Street, College Park, GA 30337.
City of East Point	City Hall Annex, 1526 East Forrest Avenue, East Point, GA 30344.
City of Fairburn	City Hall, 56 Malone Street, Fairburn, GA 30213.
City of Hapeville	City Hall, 3468 North Fulton Avenue, Hapeville, GA 30354.
City of Johns Creek	City Hall, 12000 Findley Road, Suite 400, Johns Creek, GA 30097.
City of Milton	City Hall, 13000 Deerfield Parkway, Suite 107, Milton, GA 30004.
City of Mountain Park	City Hall, 118 Lakeshore Drive, Mountain Park, GA 30075.
City of Palmetto	City Hall, 509 Toombs Street, Palmetto, GA 30268.
City of Roswell	City Hall, 38 Hill Street, Suite 235, Roswell, GA 30075.
City of Sandy Springs	City Hall, 7840 Roswell Road, Building 500, Sandy Springs, GA 30350.
City of Union City	City Hall, 5047 Union Street, Union City, GA 30291.
Unincorporated Areas of Fulton County	Fulton County Office of Environmental and Community Development, 141 Pryor Street, Suite 2085, Atlanta, GA 30303.

Bullitt County, Kentucky, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.bakeraecom.com/index.php/kentucky/bullitt>

City of Fox Chase	Nina Mooney Courthouse Annex Building, 149 North Walnut Street, 3rd Floor, Shepherdsville, KY 40165.
City of Hebron Estates	Hebron Estates City Office, 3407 Burkland Boulevard, Shepherdsville, KY 40165.
City of Hillview	Hillview City Hall, 283 Crestwood Lane, Louisville, KY 40229.
City of Lebanon Junction	City Hall, 271 Main Street, Lebanon Junction, KY 40150.
City of Mount Washington	City Hall, 275 Snapp Street, Mount Washington, KY 40047.
City of Shepherdsville	City Hall, 634 Conestoga Parkway, Shepherdsville, KY 40165.
Unincorporated Areas of Bullitt County	Nina Mooney Courthouse Annex Building, 149 North Walnut Street, 3rd Floor, Shepherdsville, KY 40165.

Warren County, Mississippi, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.geology.deq.ms.gov/floodmaps/Projects/FY2009/?county=Warren>

City of Vicksburg	Vicksburg City Hall, 1009 Cherry Street, Vicksburg, MS 39183.
Unincorporated Areas of Warren County	Warren County Courthouse, 1009 Cherry Street, Vicksburg, MS 39183.

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

Dated: March 13, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-7397 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2012-0003; Internal Agency Docket No. FEMA-B-1243]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment

regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 26, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1243, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any

request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Community	Community map repository address
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Greene County, Arkansas, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.rampp-team.com/ar.htm>

City of Paragould	City Hall, 301 West Court Street, Paragould, AR 72450.
Unincorporated Areas of Greene County	Greene County Courthouse, 306 West Court Street, Paragould, AR 72450.

Cedar County, Iowa, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.starr-team.com/starr/RegionalWorkspaces/RegionVII/CedarCoIA/Preliminary%20Maps/Forms/AllItems.aspx>

City of Bennett	City Hall, 201 Main Street, Bennett, IA 52721.
City of Durant	City Hall, 402 6th Street, Durant, IA 52747.
City of Lowden	City Hall, 501 Main Street, Lowden, IA 52255.
City of Mechanicsville	City Hall, 100 East 1st Street, Mechanicsville, IA 52306.
City of Stanwood	City Hall, 209 East Broadway Street, Stanwood, IA 52337.
City of Tipton	City Hall, 407 Lynn Street, Tipton, IA 52772.
City of West Branch	City Offices, 110 North Poplar Street, West Branch, IA 52358.
Unincorporated Areas of Cedar County	Cedar County Courthouse, 400 Cedar Street, Tipton, IA 52772.

Franklin County, Kentucky, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.bakeraecom.com/index.php/kentucky/Franklin>

City of Frankfort	Planning and Zoning Department, 315 West 2nd Street, Frankfort, KY 40602.
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Community	Community map repository address
Unincorporated Areas of Franklin County	Franklin County Courthouse, 315 West Main Street, Frankfort, KY 40601.

Pendleton County, Kentucky, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.bakeraecom.com/index.php/kentucky/pendleton>

City of Butler	City Hall, 102 Front Street, Butler, KY 41006.
City of Falmouth	City Hall, 230 Main Street, Falmouth, KY 41040.
City of Williamstown	City Building, 400 North Main Street, Williamstown, KY 41097.
Unincorporated Areas of Pendleton County	Pendleton County Judge's Office, 233 Main Street, Falmouth, KY 41040.

Weber County, Utah, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.bakeraecom.com/index.php/utah/weber-county/>

City of Riverdale	City Hall, 4600 South Weber River Drive, Riverdale, UT 84405.
City of Uintah	City Hall, 2191 East 6550 South, Uintah, UT 84405.
Town of Huntsville	Town Hall, 7309 East 200 South, Huntsville, UT 84317.
Unincorporated Areas of Weber County	Weber County Government Building, 2380 Washington Boulevard, Ogden, UT 84401.

Waushara County, Wisconsin, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/WausharaWI/Preliminary%20Maps/Forms/AllItems.aspx>

City of Berlin	City Hall, 108 North Capron Street, Berlin, WI 54923.
City of Wautoma	City Hall, 210 East Main Street, Wautoma, WI 54982.
Unincorporated Areas of Waushara County	Waushara County Courthouse, 209 South Saint Marie Street, Wautoma, WI 54982.
Village of Coloma	Village Hall, 155 Front Street, Coloma, WI 54930.
Village of Hancock	Village Office, 420 North Jefferson Street, Hancock, WI 54943.
Village of Lohrville	Village Hall, 113 Park Road, Lohrville, WI 54970.
Village of Plainfield	Village Hall, 114 South Main Street, Plainfield, WI 54966.
Village of Redgranite	Village Hall, 161 Dearborn Street, Redgranite, WI 54970.
Village of Wild Rose	Village Hall, 500 Main Street, Wild Rose, WI 54984.

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

Dated: March 15, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-7394 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2012-0003: Internal Agency Docket No. FEMA-B-1238]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood

Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 26, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1238, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the

appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of

the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Community	Community map repository address
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Lewis County, Kentucky, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.bakeraecom.com/index.php/kentucky/lewis/>

City of Concord	City Hall, 12913 West KY-8, Vanceburg, KY 41179.
City of Vanceburg	Visitors Center, 151 3rd Street, Vanceburg, KY 41179.
Unincorporated Areas of Lewis County	Lewis County Emergency Management Annex, 36 Court Street, Vanceburg, KY 41179.

Greenville County, South Carolina, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.dnr.sc.gov/water/flood/comaps.html>

City of Greenville	City Hall, 206 South Main Street, Greenville, SC 29602.
City of Greer	City Hall, 106 South Main Street, Greer, SC 29650.
City of Mauldin	City Hall, 5 East Butler Road, Mauldin, SC 29662.
City of Simpsonville	City Hall, 118 Northeast Main Street, Simpsonville, SC 29681.
City of Travelers Rest	City Hall, 6711 State Park Road, Travelers Rest, SC 29690.
Town of Fountain Inn	Town Hall, 200 North Main Street, Fountain Inn, SC 29644.
Unincorporated Areas of Greenville County	Greenville County Codes Department, 301 University Ridge, Suite 4100, Greenville, SC 29601.

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

Dated: March 13, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-7389 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2012-0003: Internal Agency Docket No. FEMA-B-1239]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA)

boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective,

will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 26, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1239, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at

www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements

outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Community	Community map repository address
Suwannee County, Florida, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/florida/suwannee/	
City of Live Oak	City Hall, 101 White Oak Avenue Southeast, Live Oak, FL 32064.
Unincorporated Areas of Suwannee County	Suwannee County Courthouse, County Coordinator's Office, 200 Ohio Avenue, South Live Oak, FL 32064.
Mason County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/kentucky/mason/	
City of Dover	City Hall, 2060 Lucretia Street, Dover, KY 41034.
City of Maysville	City Hall, 216 Bridge Street, Maysville, KY 41056.
Unincorporated Areas of Mason County	Maysville City Hall, 216 Bridge Street, Maysville, KY 41056.
Unincorporated Areas of Flathead County, Montana	
Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/montana/flathead-county/	
Unincorporated Areas of Flathead County	Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, MT 59901.
Socorro County, New Mexico, and Incorporated Areas	
Maps Available for Inspection Online at: http://rampp-team.com/nm.htm	
City of Socorro	City Hall, 111 School of Mines Road, Socorro, NM 87801.
Navajo Nation	Socorro County Annex Building, 198 Neel Avenue, Socorro, NM 87801.
Pueblo of Acoma	Realty and Natural Resources Offices, 33 A Pinsbaari Drive, Pueblo of Acoma, NM 87034.

Community	Community map repository address
Unincorporated Areas of Socorro County	Socorro County Annex Building, 198 Neel Avenue, Socorro, NM 87801.
Village of Magdalena	City Hall, 108 North Main Street, Suite B Magdalena, NM 87825.

Cowlitz County, Washington, and Incorporated Areas

Maps Available for Inspection Online at: <http://www.starr-team.com/starr/RegionalWorkspaces/RegionX/CowlitzMM/Preliminary%20Maps/Forms/AllItems.aspx>

City of Castle Rock	City Hall, 141 A Street Southwest, Castle Rock, WA 98611.
City of Kalama	City Hall, 320 North 1st Street, Kalama, WA 98625.
City of Kelso	City Hall, 203 South Pacific Avenue, Kelso, WA 98626.
City of Longview	City Hall, 1525 Broadway Street, Longview, WA 98632.
City of Woodland	Office of the Clerk/Treasurer, 230 Davidson Avenue, Woodland, WA 98674.
Unincorporated Areas of Cowlitz County	Cowlitz County Administration Building, 207 4th Avenue North, Kelso, WA 98626.

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

Dated: March 13, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-7390 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2012-0003: Internal Agency Docket No. FEMA-B-1236]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt

or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 26, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1236, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act

of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information

regarding the SRP process can be found online at www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where

applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables.

Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Community	Community map repository address
DeKalb County, Georgia, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.georgiadfirm.com/status/mapmodStatus.html	
City of Atlanta	Site Development Office, 55 Trinity Avenue Southwest, Suite 5400, Atlanta, GA 30335.
City of Avondale Estates	City Hall, 32 North Avondale Plaza, Avondale Estates, GA 30002.
City of Chamblee	City Hall, 5468 Peachtree Road, Chamblee, GA 30341.
City of Clarkston	City Hall, 3921 Church Street, Clarkston, GA 30021.
City of Decatur	Engineering Department, 2635 Talley Street, Decatur, GA 30031.
City of Doraville	City Hall, 3725 Park Avenue, Doraville, GA 30340.
City of Dunwoody	City Hall, 41 Perimeter Center East, Suite 250, Dunwoody, GA 30346.
City of Lithonia	City Hall, 6980 Main Street, Lithonia, GA 30058.
City of Pine Lake	Administrative Building, 462 Pine Drive, Pine Lake, GA 30072.
City of Stone Mountain	City Hall, 922 Main Street, Stone Mountain, GA 30083.
Unincorporated Areas of DeKalb County	DeKalb County Public Works Department, 4305 Memorial Drive, Decatur, GA 30032.
Kenton County, Kentucky, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/kentucky/kenton/	
City of Bromley	City Building, 226 Boone Street, Bromley, KY 41016.
City of Covington	City Hall, 638 Madison Avenue, Covington, KY 41011.
City of Crescent Springs	City Administration Office, 739 Buttermilk Pike, Crescent Springs, KY 41017.
City of Crestview Hills	City Hall, 50 Town Center Boulevard, Crestview Hills, KY 41017.
City of Edgewood	City Building, 385 Dudley Road, Edgewood, KY 41017.
City of Elsmere	City Building, 318 Garvey Avenue, Elsmere, KY 41018.
City of Erlanger	505 Commonwealth Avenue, Erlanger, KY 41018.
City of Fairview	Kenton County Clerk's Office, 303 Court Street, Covington, KY 41011.
City of Fort Mitchell	Administrative Building, 2355 Dixie Highway, Fort Mitchell, KY 41017.
City of Fort Wright	City Building, 409 Kyles Lane, Fort Wright, KY 41011.
City of Independence	Kenton County Courthouse, 5292 Madison Pike, Independence, KY 41051.
City of Kenton Vale	Kenton County Clerk's Office, 303 Court Street, Covington, KY 41011.
City of Lakeside Park	9 Buttermilk Pike, Lakeside Park, KY 41017.
City of Ludlow	City Office, 51 Elm Street, Ludlow, KY 41016.
City of Park Hills	1106 Amsterdam Road, Park Hills, KY 41011.
City of Ryland Heights	10145 Decoursey Pike, Ryland Heights, KY 41015.
City of Taylor Mill	City Hall, 5225 Taylor Mill Road, Taylor Mill, KY 41015.
City of Villa Hills	City Building, 720 Rogers Rd, Villa Hills, KY 41017.
City of Walton	City Hall, 40 North Main Street, Walton, KY 41094.
Unincorporated Areas of Kenton County	Kenton County Clerk's Office, 303 Court Street, Covington, KY 41011.
Unincorporated Areas of Howard County, Maryland	
Maps Available for Inspection Online at: http://www.rampp-team.com/md.htm	
Unincorporated Areas of Howard County	Howard County Department of Public Works, Bureau of Environmental Services, 6751 Columbia Gateway Drive, Suite 514, Columbia, MD 21046.

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

Dated: March 13, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-7393 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2012-0003: Internal Agency Docket No. FEMA-B-1242]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and

others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 26, 2012.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1242, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact

stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Community	Community map repository address
Gunnison County, Colorado, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.bakeraecom.com/index.php/region-viii/preliminary-map-products/	
City of Gunnison	City Hall, 201 West Virginia Avenue, Gunnison, CO 81230.
Town of Crested Butte	Town Hall, 507 Maroon Avenue, Crested Butte, CO 81224.
Town of Marble	Blackstock Government Center, 221 North Wisconsin Street, Gunnison, CO 81230.
Town of Pitkin	Town Hall, 801 State Street, Pitkin, CO 81241.
Unincorporated Areas of Gunnison County	Gunnison County Courthouse, 200 East Virginia Avenue, Gunnison, CO 81230.

Community	Community map repository address
Pottawattamie County, Iowa, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.starr-team.com/starr/RegionalWorkspaces/RegionVII/PottawattamieCountyIowa/Preliminary%20Maps/Forms/AllItems.aspx	
City of Avoca	City Hall, 201 North Elm Street, Avoca, IA 51521.
City of Carson	City Hall, 316 South Commercial Street, Carson, IA 51525.
City of Council Bluffs	Community Development Center, 403 Willow Avenue, Council Bluffs, IA 51503.
City of Hancock	City Hall, 202 North Main Street, Hancock, IA 51536.
City of Macedonia	City Hall, 322 Main Street, Macedonia, IA 51549.
City of Minden	City Hall, 207 Main Street, Minden, IA 51553.
City of Neola	City Hall, 105 3rd Street, Neola, IA 51559.
City of Oakland	City Hall, 101 North Main Street, Oakland, IA 51560.
City of Treynor	City Hall, 7 South Eyeberg Avenue, Treynor, IA 51575.
City of Underwood	City Hall, 218 2nd Street, Underwood, IA 51576.
City of Walnut	City Hall, 229 Antique City Drive, Walnut, IA 51577.
Unincorporated Areas of Pottawattamie County	Pottawattamie County Courthouse, 227 South 6th Street, Council Bluffs, IA 51501.
Ottawa County, Michigan, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/RMFY10MIOttawaCountyLower%20Grand%20RiverOPMR/Preliminary%20Maps/Forms/AllItems.aspx	
Charter Township of Allendale	Township Office, 6676 Lake Michigan Drive, Allendale, MI 49401.
Charter Township of Georgetown	Georgetown Township Office, 1515 Baldwin Street, Jenison, MI 49428.
Charter Township of Tallmadge	Tallmadge Township Office, O-1451 Leonard Street Northwest, Grand Rapids, MI 49534.
Curry County, New Mexico, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.rampp-team.com/nm.htm	
City of Clovis	Administrative Office, 321 North Connelly Street, Clovis, NM 88101.
Unincorporated Areas of Curry County	Curry County Administrative Office, 700 North Main Street, Clovis, NM 88101.
Orangeburg County, South Carolina, and Incorporated Areas	
Maps Available for Inspection Online at: http://www.dnr.sc.gov/water/flood/comaps.html	
City of Orangeburg	Building Inspection Division, 152 Market Street, Orangeburg, SC 29116.
Town of Bowman	Town Hall, 100 Reeseville Road, Bowman, SC 29018.
Town of Branchville	Town Office, 7644 Freedom Road, Branchville, SC 29432.
Town of Elloree	Town Hall, 2719 Cleveland Street, Elloree, SC 29047.
Town of Eutawville	Town Hall, 419 Porcher Avenue, Eutawville, SC 29048.
Town of Holly Hill	Town Hall, 8807 Old State Road, Holly Hill, SC 29059.
Town of Norway	Town Hall, 8438 Savannah Highway, Norway, SC 29113.
Town of Rowesville	Town Hall, 129 Rowes Pump Drive, Rowesville, SC 29133.
Unincorporated Areas of Orangeburg County	County Administration Building, 1437 Amelia Street, Orangeburg, SC 29116.

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

Dated: March 13, 2012.

Sandra K. Knight,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2012-7392 Filed 3-27-12; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Certificate of Registration

AGENCY: U.S. Customs and Border Protection (CBP), 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 Certificate of Registration. 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 May 29, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade,

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, Regulations and Rulings, Office of International Trade, 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 cost burden to respondents or record keepers from the collection of information (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: Certificate of Registration.

OMB Number: 1651-0010.

Form Number: CBP Forms 4455 and 4457.

Abstract: Travelers who do not have proof of prior possession in the United States of foreign made articles and who do not want to be assessed duty on these items can register them prior to departing on travel. In order to register these articles, the traveler completes CBP Form 4457, *Certificate of Registration for Personal Effects Taken Abroad*, and presents it at the port at the time of export. This form must be signed in the presence of a CBP official after verification of the description of the articles is completed. CBP Form 4457 is accessible at: http://forms.cbp.gov/pdf/CBP_Form_4457.pdf.

CBP Form 4455, *Certificate of Registration*, is used primarily for the registration, examination, and supervised lading of commercial shipments of articles exported for repair, alteration, or processing, which

will subsequently be returned to the United States either duty free or at a reduced duty rate. CBP Form 4455 is accessible at: http://forms.cbp.gov/pdf/CBP_Form_4455.pdf.

CBP Forms 4457 and 4455 are used to provide a convenient means of showing proof of prior possession of a foreign made item taken on a trip abroad and later returned to the United States. This registration is restricted to articles with serial numbers or unique markings. These forms are provided for by 19 CFR 148.1.

Action: CBP proposes to extend the expiration date of this information collection with a change to the burden hours as a result of a revised estimate to complete CBP Form 4455 from 3 minutes to 10 minutes. There are no changes to the information collected or to CBP Forms 4455 and 4457.

Type of Review: Extension (with change).

Affected Public: Businesses.

CBP Form 4455

Estimated Number of Respondents: 60,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 9,960.

CBP Form 4457

Estimated Number of Respondents: 140,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 7,000.

Dated: March 22, 2012.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2012-7413 Filed 3-27-12; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek Caleb Brett as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 19 CFR 151.13, Intertek Caleb Brett, 6050 Egret Court, Benicia, CA 94510, has been

approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquires regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/linkhandler/cgov/trade/automated/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

DATES: The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on October 12, 2011. The next triennial inspection date will be scheduled for October 2014.

FOR FURTHER INFORMATION CONTACT: Dr. Mike McCormick, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, 202-344-1060.

Dated: March 21, 2012.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2012-7414 Filed 3-27-12; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5603-N-21]

Notice of Submission of Proposed Information Collection to OMB; Choice Neighborhoods Evaluation, Phase I

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

HUD is conducting an evaluation of the Choice Neighborhoods Initiative, focused on the initial round of grants funded in August 2011. This evaluation requires the collection of information from households living in the Choice Neighborhoods sites. This proposed information collection will support the first phase of the evaluation, which is focused on studying implementation of the grants and establishing a baseline for long-term evaluation of program outcomes. The information collection is necessary to understand the experience of the residents in the Choice Neighborhood sites.

DATES: *Comments Due Date:* April 27, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2528–New) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov* fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov*. or telephone (202) 402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the

burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Choice Neighborhoods Evaluation, Phase I.
OMB Approval Number: 2528–New.
Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: HUD is conducting an evaluation of the Choice Neighborhoods Initiative, focused on the initial round of grants funded in August 2011. This evaluation requires the collection of information from households living in the Choice Neighborhoods sites. This proposed information collection will support the first phase of the evaluation, which is focused on studying implementation of the grants and establishing a baseline for long-term evaluation of program outcomes. The information collection is necessary to understand the experience of the residents in the Choice Neighborhood sites.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	2,605	1		0.750		1,954

Total Estimated Burden Hours: 1,954.
Status: New collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 22, 2012.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2012–7484 Filed 3–27–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5607–N–09]

Notice of Proposed Information Collection: Comment Request: Insurance Termination Request for Multifamily Mortgage

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of

Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 29, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, Room 9120, or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Marilyn M. Edge, Acting Director, Office of Asset Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402–2078 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed

information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Insurance Termination Request for Multifamily Mortgage.

OMB Control Number, if applicable: 2502-0416.

Description of the need for the information and proposed use: The information collection is used to notify HUD that the mortgagor and mortgagee mutually agree to terminate the HUD multifamily mortgage insurance.

Agency form numbers, if applicable: HUD-9807.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 368. The number of respondents is 400, the number of responses is 2086, the frequency of response is on occasion, and the burden hour per response is 1.0.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 22, 2012.

Ronald Y. Spraker,

Acting General Deputy Assistant Secretary for Housing—Acting General Deputy Federal Housing Commissioner.

[FR Doc. 2012-7486 Filed 3-27-12; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Proposed Renewal of Information Collection: Donor Certification Form

AGENCY: Office of Youth, Partnerships and Service, Assistant Secretary—

Policy, Management and Budget, Interior.

ACTION: Notice and Request for Comments.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of Youth, Partnerships and Service seeks public comments on the renewal of the information collection associated with the Interior Department Donor Certification Form.

DATES: Consideration will be given to all comments received by May 29, 2012.

ADDRESSES: Written comments and recommendations on the information collection should be sent to Olivia Barton Ferriter, Office of Youth, Partnerships and Service, 1849 C St. NW., MS 3559 MIB, Washington, DC 20240, or email her at *Olivia_Ferriter@ios.doi.gov*. Individuals providing comments should reference Donor Certification Form.

FOR FURTHER INFORMATION CONTACT: To request more information on this information collection or to obtain a copy of the associated collection instrument, please write to the above address, or call Olivia Barton Ferriter on 202-208-4881.

SUPPLEMENTARY INFORMATION:

I. Abstract

Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)). This notice

identifies an information collection activity that the Office of Youth, Partnerships and Service will submit to OMB for approval for the Department and its bureaus to continue to collect information from proposed donors relative to their relationship(s) with the Department. The Department and its individual bureaus all have gift acceptance authority. In support of the variety of donation authorities in the Department and increasing numbers of donations, it is the policy of the Department to ask those proposing to donate gifts valued at \$25,000 or more to provide information regarding their relationship with the Department. The purpose of this policy is to ensure that the acceptance of a gift does not create legal or ethical issues for the Department, its bureaus, or potential donors. The information will be gathered through the use of a form.

If this information were not collected from the prospective donor, the Department would have to collect the information. With nine major bureaus, 2400 locations and 70,000 employees, it is not possible to collect the information about a particular donor in a timely manner to respond to a proposed donation. Having the donor certify his or her interactions with the Department gives the staff reviewing the proposed donation basic information.

II. Method of Collection

Individuals notifying the Department or one of its bureaus of a proposed offer of a gift valued at \$25,000 or higher will be asked to submit a form listing several items of basic information.

(1) *Title:* Donor Certification Form.

Information collected	Reason for collection
Name, and indication whether executing in individual capacity, or on behalf of an organization.	To identify the donor, and whether the donor is acting individually or on behalf of an organization.
Declaration whether the donor is involved with litigation or controversy with the Department.	To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined.
Declaration whether the donor is engaged in any financial or business relationship with the Department.	To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined.
Declaration whether the donor has been debarred, excluded or disqualified from the nonprocurement common rule, or otherwise declared ineligible from doing business with any Federal agency.	To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined.
Declaration as to whether the donation is expected to be involved with marketing or advertising.	To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined.
Declaration whether the donor is seeking to attach conditions to the donation.	To assist the Department in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined.
Declaration whether this proposed donation is or is not part of a series of donations to the Department.	To assist the Department in determining the scope and context of the donation, and to assist in determining whether there are any issues associated with the proffer of the gift that need to be more closely examined.
Signature, Printed Name, Date, Organization, Email address, City, State, Zip, and daytime or work phone number.	To establish the contact information of the potential donor, and have the certifier sign the certification form.

III. Data

(1) *Title:* Donor Certification Form.

OMB Control Number: 1090-0009

Type of Review: Information

Collection: Renewal

Affected Entities: Individuals or households, Businesses, Not-for-profit institutions, Tribal governments.

Estimated annual number of respondents: 555.

Frequency of response: Once per prospective donation.

(2) *Annual reporting and recordkeeping burden:*

Estimated number of responses annually: 555.

Estimated burden per response: 20 minutes.

Total annual reporting: 185 hours.

(3) *Description of the need and use of the information:* This information will provide Department staff with the basis for beginning the evaluation as to whether the Department will accept the proposed donation. The authorized employee will receive the donor certification form with the proposed donation. The employee will then review the totality of circumstances surrounding the proposed donation to determine whether the Department can accept the donation and maintain its integrity, impartiality, and public confidence.

IV. Request for Comments

The Department of the Interior invites comments on:

(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 the burden of the collection and the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing

and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

The comments, with names and addresses, will be available for public viewing. If you wish us to withhold your personal information, you must prominently state at the beginning of your comment what personal information you want us to withhold. We will honor your request to the extent allowable by law. Comments received, if any, will be available for public viewing by appointment only. You may schedule such an appointment by contacting the Office of Youth, Partnerships and Service at 1849 C Street NW., MS 3559 MIB, Washington, DC 20240, or telephone (202) 208-4881 to schedule an appointment to view any comments received. A valid picture identification is required for entry into the Department of the Interior.

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 Office of Management and Budget control number.

Dated: March 21, 2012.

Olivia Barton Ferriter,

Office of Youth, Partnerships and Service.

[FR Doc. 2012-7412 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-RK-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Wildland Fire Executive Council Meeting Schedule

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of meetings.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., 2, the U.S. Department of the Interior, Office of the Secretary, Wildland Fire Executive Council (WFEC) will meet as indicated below.

DATES: The meetings will be held on the first and third Friday of each month from 10 a.m. to 2 p.m. Eastern Time as follows: April 6, 2012; April 20, 2012; May 4, 2012; May 18, 2012; June 1, 2012 and June 15, 2012.

ADDRESSES: The meetings will be held from 10 a.m. to 2 p.m. Eastern Time in the McArdle Room (First Floor Conference Room) in the Yates Federal Building, USDA Forest Service

Headquarters, 1400 Independence Ave. SW., Washington, DC 20250,

FOR FURTHER INFORMATION CONTACT: Roy Johnson, Designated Federal Officer, 300 E Mallard Drive, Suite 170, Boise, Idaho 83706; telephone (208) 334-1550; fax (208) 334-1549; or email Roy_Johnson@ios.doi.gov.

SUPPLEMENTARY INFORMATION: The WFEC is established as a discretionary advisory committee under the authorities of the Secretary of the Interior and Secretary of Agriculture, in furtherance of 43 U.S.C. 1457 and provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et. seq.*), the National Wildlife Refuge System improvement Act of 1997 (16 U.S.C. 668dd-668ee), and the National Forest Management Act of 1976 (16 U.S.C. 1600 *et. seq.*) and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2. The Secretary of the Interior and Secretary of Agriculture certify that the formation of the WFEC is necessary and is in the public interest.

The purpose of the WFEC is to provide advice on coordinated national-level wildland fire policy and to provide leadership, direction, and program oversight in support of the Wildland Fire Leadership Council. Questions related to the WFEC should be directed to Roy Johnson (Designated Federal Officer) at Roy_Johnson@ios.doi.gov or (208) 334-1550 or 300 E. Mallard Drive, Suite 170, Boise, Idaho 83706-6648.

Meeting Agenda: The meeting agenda will include: (1) Welcome and introduction of Council members; (2) Overview of prior meeting and action tracking; (3) Members' round robin to share information and identify key issues to be addressed; (4) Wildland Fire Management Cohesive Strategy; (5) Wildland Fire Issues; (6) Council Members' review and discussion of sub-committee activities; (7) Future Council activities; (8) Public comments which will be scheduled for 11:30 on each agenda; (9) and closing remarks. Participation is open to the public.

Public Input: All WFEC meetings are open to the public. Members of the public who wish to participate must notify Shari Eckhoff at Shari_Eckhoff@ios.doi.gov no later than the Friday preceding the meeting. Those who are not committee members and wish to present oral statements or obtain information should contact Shari Eckhoff via email no later than the Friday preceding the meeting. Depending on the number of persons wishing to comment and time available,

the time for individual oral comments may be limited.

Questions about the agenda or written comments may be emailed or submitted by U.S. Mail to: Department of the Interior, Office of the Secretary, Office of Wildland Fire, Attention: Shari Eckhoff, 300 E. Mallard Drive, Suite 170, Boise, Idaho 83706-6648. WFEC requests that written comments be received by the Friday preceding the scheduled meeting. Attendance is open to the public, but limited space is available. Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Eckhoff at (202) 527-0133 at least seven calendar days prior to the meeting.

Dated: March 12, 2012.

Roy Johnson,

Designated Federal Officer.

[FR Doc. 2012-7402 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-J4-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R6-R-2012-N058; FF06R06000-FXRS1265066CCP0S2-123]

Lee Metcalf National Wildlife Refuge, Stevensville, MT; Draft Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments; announcement of public meeting

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for Lee Metcalf National Wildlife Refuge, Stevensville, MT, for public review and comment. This Draft CCP/EA describes our proposal for managing the refuge for the next 15 years.

DATES: To ensure consideration, please submit your written comments by April 30, 2012 in person or send them to one of the addresses, including email and fax, listed below. We will also be holding a public meeting, which will be announced in the statewide news media and on the refuge Web site.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. You may request a hard copy of the document or view it on the Service's planning Web site, [http://](http://www.fws.gov/mountain-prairie/planning/ccp/mt/lmc/lmc.html)

www.fws.gov/mountain-prairie/planning/ccp/mt/lmc/lmc.html.

Email: leemetcalf@fws.gov. Include "Lee Metcalf Draft CCP and EA" in the subject line of the message.

Fax: Attn: Laura King, 406-644-2661.
U.S. Mail: Laura King, National Bison Range, 58355 Bison Range Road, Moiese, MT 59824.

In-Person Drop-off, Viewing, or Pickup: Call (406-777-5552) to make an appointment (necessary for view/pickup only) during regular business hours at the Lee Metcalf National Wildlife Refuge headquarters located at 4567 Wildfowl Lane, Stevensville, MT.

FOR FURTHER INFORMATION CONTACT: Laura King, 406-644-2211, extension 210 or email at leemetcalf@fws.gov.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Lee Metcalf National Wildlife Refuge. We started this process through a notice in the **Federal Register** (74 FR 50235), on September 30, 2009.

Lee Metcalf National Wildlife Refuge was established February 4, 1964, and has two purposes:

- (1) "[F]or use as an inviolate sanctuary, or for any other management purpose, for migratory birds" (Migratory Bird Conservation Act); and
- (2) "for (a) incidental fish and wildlife oriented recreational development, (b) the protection of natural resources, [and] (c) the conservation of endangered species or threatened species" (Refuge Recreation Act).

This refuge is located in Ravalli County, one of the fastest growing counties in the State of Montana, 2 miles north of Stevensville and 25 miles south of Missoula. Although it is one of the nation's smaller refuges, encompassing 2,800 acres, it is one of the few remaining undeveloped areas in the Bitterroot Valley. The refuge lies along the meandering Bitterroot River and is comprised of wet meadow and gallery and riverfront forest habitats and has created and modified wetlands. Riverfront forest includes early succession tree species such as black cottonwood and sandbar willow that are present near the active channel of the Bitterroot River and next to floodplain drainages. Gallery forest is dominated by cottonwood and ponderosa pine and is present on higher floodplain elevations along natural levees. Over 140,000 visitors come to this refuge annually to view and photograph wildlife, archery deer hunt, walk the refuge trails, or participate in interpretive programs in the indoor and outdoor classrooms. The Refuge

provides habitat for raptors, including ospreys, and numerous songbird and waterbird species.

Background

The CCP Process

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 as necessary, at least every 15 years in accordance with the Refuge Administration Act.

Public Outreach

The Service has involved the public, agencies, partners, and legislators throughout the planning process. At the beginning of the planning process, the Service initiated public involvement through a **Federal Register** notice and news releases in the statewide media. For initial public scoping, the Service held two open-house meetings, on September 29 and October 1, 2009, in Stevensville and Missoula, MT, respectively. These open houses were announced in local media and through the first planning update which was mailed to over 270 individuals and organizations. We have considered and evaluated all of the comments received, with many were incorporated into the various alternatives addressed in the draft CCP and the EA.

CCP Alternatives We Are Considering

During the public scoping process with which we started work on this draft CCP, we, other governmental partners, Tribes, and the public raised several issues. Our draft CCP addresses the issues that were raised. To address these issues, we developed and evaluated the following alternatives, summarized below.

Alternative A, Current Management (No Action)

Alternative A is the no-action alternative, which represents the current management of the refuge. This alternative provides the baseline against which to compare the other alternatives. It also fulfills the requirement in the National Environmental Policy Act that a no-action alternative be addressed in the analysis process.

Under alternative A, management activity currently conducted by the Service would remain the same. The Service would continue to manage and monitor refuge habitats at current levels. The Bitterroot River would continue to migrate through the refuge, eroding some levees and trails. Invasive species would be treated primarily with mechanical and chemical methods as resources become available. Water supply and management structures would be inadequate to properly manage many of the wetland impoundments. Cattail monocultures would be treated. The current staff of five would perform limited, issue-driven research and monitor only long-term wildlife and vegetation changes. Visitor services programs and facilities would be maintained or expanded as resources become available. Funding and staff levels would follow annual budget allocations provided for refuge operations on Service lands.

Alternative B (Proposed Action)

This alternative focuses on the expansion and restoration of native plant communities on the refuge, including grasslands, shrublands, and gallery and riverfront forests. Some areas that are currently part of wetland impoundments would be restored to native communities, including forest and shrubland. A significant focus of restoration proposals would be controlling invasive species and preventing further spread. Grasses and shrubs native to the uplands, including the alluvial fans, would begin to be restored to provide habitat for native wildlife, including grassland-dependent migratory birds. Some wetland impoundments and Service (nonpublic) roads would be removed or reduced in size to allow for river migration and to restore native gallery and riverfront forest for riparian-dependent wildlife. The remaining impoundments would be managed to mimic natural conditions for wetland-dependent migratory birds.

The Service would expand and improve the refuge's compatible wildlife-dependent public use programs, in particular the wildlife observation, environmental education,

and interpretation programs. The visitor contact area would be expanded into a visitor center, with new displays and a combination conference room and environmental education classroom. New displays would be professionally planned and produced. The refuge would work with Ravalli County staff to designate the county road in the refuge as an auto tour route, which would include pulloffs and some form of interpretation. A seasonal hiking trail would be added, and current trails would be improved for wildlife observation and photography. Interpretation and environmental education programs would be expanded, using added staff and volunteers. All public use programs would provide visitors a consistent message about the purposes and values of the refuge and the mission of the Refuge System. The refuge staff would be expanded to include an assistant refuge manager, two biological science technicians (one full time and one career seasonal), and a visitor services specialist who would serve as a visitor center manager and volunteer coordinator.

Increased research and monitoring, staff, funding, infrastructure, and partnerships would be required to accomplish the goals, objectives, and strategies associated with this alternative. Additional staff and funding would be added depending on the regional priorities for those funds allocated to the Service for management of lands and waters within the Refuge System.

Alternative C

Alternative C contains many of the elements found in alternative B related to expanding visitor service programs and facilities. However, habitat management would be focused on maintaining the wetland impoundments and attempting to restrict the movements of the Bitterroot River throughout the refuge. Habitat efforts would be primarily focused on providing waterfowl and other waterbird habitat.

Public Meeting

A public meeting, to be held at the refuge headquarters in Stevensville, MT, will be announced through the local media and the refuge's Web site www.fws.gov/leemetcalf.

Next Steps

After this comment period ends, we will analyze the comments and address them in the form of a final CCP and NEPA finding.

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: February 29, 2012.

Matt Hogan,

Acting Deputy Regional Director, Mountain-Prairie Region, U.S. Fish and Wildlife Service.

[FR Doc. 2012-7398 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

**[FWS-R2-R-2012-N019;
FXRS12610200000S3-123-FF02R06000]**

Trinity River National Wildlife Refuge, Liberty County, TX; Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan (CCP) and an environmental assessment (EA) for Trinity River National Wildlife Refuge (Refuge, NWR), located approximately 50 miles northeast of Houston, Texas, 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 May 4, 2012. We will announce upcoming public meetings in local news media.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. You may request hard copies or a CD-ROM of the documents. Please contact Stuart Marcus, Refuge Manager, or Joseph Lujan, Natural Resource Planner.

Email: Joseph_Lujan@fws.gov. Include "Trinity River NWR draft CCP and EA" in the subject line of the message.

Fax: Attn: Joseph Lujan, 505-248-6803.

U.S. Mail: Joseph Lujan, Natural Resource Planner, U.S. Fish and

Wildlife Service, NWRS Division of Planning, P.O. Box 1306, Albuquerque, NM 87103.

In-Person Drop-off, Viewing, or Pickup: In-Person Drop-off: You may drop off comments during regular business hours (8 a.m. to 4:30 p.m.) at 500 Gold Street SW., 4th Floor, Room. 4305, Albuquerque, NM 87102.

FOR FURTHER INFORMATION CONTACT: Stuart Marcus, Refuge Manager, Trinity River NWR, CCP—Project, P.O. Box 10015, Liberty, TX 77575; phone: 936-336-9786; fax: 936-336-9847.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for the Trinity River NWR. We started this process through a notice in the **Federal Register** (72 FR 45059; August 10, 2007).

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.

Background

The CCP Process

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 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

Formal scoping began with publication of a notice of intent to prepare a comprehensive conservation plan and environmental assessment (EA) in the **Federal Register** on August

10, 2007 (72 FR 45059). In September 2008, a letter was sent to individuals at Texas Parks and Wildlife Department (TPWD), formally inviting them to participate in the development of the CCP. We received input from TPWD in January 2009, and have continued to involve them throughout the planning process. Information sheets were sent to the public, and news releases were sent to a variety of media outlets. The news release also aired on KSHN 99.9 FM Radio in Liberty, Texas. Three public open house meetings were held from November 30 through December 2, 2009. Additional written comments were received prior to these open house meetings. The meetings were held at three locations in the area, on three separate evenings. A variety of stakeholders contributed feedback at the open house meetings and via written comments; we used the feedback in development of the CCP.

CCP Alternatives We Are Considering

During the public scoping process with which we started work on this draft CCP, we, other governmental partners, Tribes, and the public, raised multiple issues. Our draft CCP addresses them. A full description of each alternative is in the EA. To address these issues, we developed and evaluated the following alternatives, summarized below.

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
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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.
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 Trinity River NWR.	Same as Alternative B.
5. Climate Change	Plant trees to sequester carbon; use “green” technologies whenever possible, and recycle.	Same as Alternative A, plus gather baseline inventory and monitoring data.	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
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 one 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	The refuge hosts 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 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.

Public Availability of Documents

In addition to using any methods in ADDRESSES, you can view or obtain documents at the following locations:

- Trinity River NWR Headquarters Office, 601 FM 1011, Liberty, TX 77575, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

- Our Web site: <http://www.fws.gov/southwest/refuges/Plan/publicinvolvement.html>.

- The following public 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

Submitting Comments/Issues for Comment

We consider comments substantive if they:

- Question, with reasonable basis, the accuracy of the information in the document;
- Question, with reasonable basis, the adequacy of the environmental assessment (EA);
- Present reasonable alternatives other than those presented in the EA; and/or
- Provide new or additional information relevant to the assessment.

Next Steps

After this comment period ends, we will analyze the comments and address them in the form of a final CCP and finding of no significant impact.

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: January 31, 2012.

Joy E. Nicholopoulos,

Acting, Regional Director, Southwest Region.

[FR Doc. 2012-7400 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R4-R-2011-N-170; 40136-1265-0000-S3]

Atchafalaya National Wildlife Refuge, LA; 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 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 for Atchafalaya National Wildlife Refuge (NWR) in St. Martin and Iberville Parishes, Louisiana. In the final CCP, we describe how we will manage this refuge for the next 15 years.

ADDRESSES: You may obtain a copy of the CCP by writing to: Mr. Daniel Breaux, Southeast Louisiana National Wildlife Refuge Complex, Bayou Lacombe Centre, 61389 Highway 434, Lacombe, LA 70445. Alternatively, you may download the document from our Internet Site: <http://southeast.fws.gov/planning/> under "Final Documents."

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Breaux, at 985/882-2030 (telephone), 985/882-9133 (fax), or Daniel_breaux@fws.gov (email).

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we finalize the CCP process for Atchafalaya NWR. We started this process through a notice in the **Federal Register** on January 9, 2009 (74 FR 915). For more about the refuge, see that notice.

Atchafalaya NWR is one of eight refuges managed as part of the Southeast Louisiana National Wildlife Refuge Complex (Complex). Atchafalaya NWR is located in the lower Atchafalaya Basin Floodway System. Atchafalaya NWR is bounded on the north by U.S. Highway 190, on the south by Interstate 10, on the west by the Atchafalaya River, and on the east by the East Atchafalaya Basin Protection Levee.

Atchafalaya NWR was established in 1986, when 15,255 acres were purchased from the Iberville Land Company, as directed by Public Law 98-548. The Louisiana Department of Wildlife and Fisheries (LDWF) and the U.S. Army Corps of Engineers (USACE) have also purchased fee title land adjacent to and within the Atchafalaya NWR, which brings the current acreage to approximately 44,000. The USACE has authority to purchase additional lands within the Atchafalaya Basin Floodway System.

Approximately 12 percent of the refuge is inundated open water, with isolated cypress trees and willow stands. Bottomland hardwood forest is the primary habitat.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) (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, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Comments

We made copies of the Draft CCP/EA available for a 30-day public review and comment period via a **Federal Register** notice on May 24, 2011 (76 FR 30190). A news release was sent out to four local, state, and regional newspapers, six online media outlets, and two local radio networks. Copies of the Draft CCP/EA were posted at refuge headquarters and on the Service's Internet Web site and more than 100 copies were distributed to local landowners; the general public; and local, state, and federal agencies. Respondents representing the following submitted comments: LDWF; Louisiana Department of Culture, Recreation, and Tourism; Jena Band of Choctaw Indians; National Park Service; Audubon Society; Friends of the Atchafalaya; The Nature Conservancy; Gulf Restoration Network; Atchafalaya Basinkeeper; Louisiana Crawfish Producers Association—West; Sierra Club—Delta Chapter; Lower Mississippi Riverkeeper; Louisiana Environmental Action Network; and local citizens.

Selected Alternative

The Draft CCP/EA identified and evaluated three alternatives for managing the refuge over the next 15 years. After considering the comments we received and based on the professional judgment of the planning team, we selected Alternative B for implementation. Alternative B best signifies the vision, goals, and purposes of the refuge. Under Alternative B, emphasis will be on restoring and improving the resources needed for wildlife and habitat management and providing appropriate and compatible wildlife-dependent public use opportunities, while addressing key issues and refuge mandates.

The compatibility determinations for (1) Wildlife observation/photography; (2) recreational fishing; (3) recreational hunting; (4) environmental education and interpretation; (5) walking, hiking, and jogging; (6) forest management; (7) scientific research; (8) kayaking,

canoeing, and paddling; (9) all-terrain vehicle use; (10) bicycling; and (11) boating are also available within the CCP.

Alternative B will focus on augmenting wildlife and habitat management to identify, conserve, and restore populations of native fish and wildlife species, with an emphasis on migratory birds and threatened and endangered species. This objective will partially be accomplished by increased monitoring of waterfowl, other migratory and resident birds, and endemic species, in order to assess and adapt management strategies and actions. Additionally, information gaps will be addressed by the initiation of baseline surveying, periodic monitoring, and ultimately adding adaptive habitat management.

Habitat management programs for impoundments, greentree reservoir, wetlands, open waters, forested habitats, scrub/shrub habitat, grasslands, and open lands will be reevaluated, and step-down management plans will be developed to meet the foraging, nesting, and breeding requirements of priority species. Additionally, monitoring and adaptive habitat management will be implemented to potentially counteract the impacts associated with long-term climate change and sea level rise.

The control of invasive and exotic plant species will be more aggressively managed by implementing a management plan, completing a baseline inventory, supporting research, and controlling with strategic mechanical and chemical means. Additionally, the Complex will utilize this management plan and monitoring to enhance efforts to control/remove invasive, exotic, and/or nuisance wildlife on the refuge.

Alternative B will enhance our visitor services opportunities by: (1) Improving the quality of fishing opportunities; (2) implementing an environmental education program component that utilizes volunteers and local schools as partners; (3) enhancing wildlife viewing and photography opportunities by implementing blinds, a swamp trail boardwalk, and additional observational areas; (4) developing and implementing a visitor services management plan, (5) working with partners to develop a Complex visitor center, including a law enforcement office and maintenance facility with an attached visitor contact station; and (6) enhancing personal interpretive and outreach opportunities. Volunteer programs and friends groups also would be expanded to enhance all aspects of management and to increase resource availability.

In addition to the enforcement of all Federal and State laws to protect archaeological and historical sites, we will identify and develop a plan to protect all known sites. The development of an onsite office for law enforcement officers will not only better provide security for these resources, but will also ensure visitor safety and public compliance with refuge regulations.

Land acquisitions within the approved acquisition boundary will be based on the importance of the habitat for wildlife, management, and access. Alternative B also will develop a preliminary land protection proposal to achieve a congressionally authorized refuge boundary expansion of approximately 17,000 acres within the Atchafalaya Basin Floodplain to improve buffer conditions, contribute to biological objectives, close gaps between existing tracts, and improve public access. Administration plans will stress the need for increased maintenance of existing infrastructure and construction of new facilities. Funding for new construction projects will be balanced between habitat management and public use needs. Additional staff will be required to accomplish the goals of this alternative. Personnel priorities will include adding a visitor services specialist, assistant manager, biological technician, forestry technician, maintenance worker, and law enforcement officer to the staff. The increased budget and staffing levels will better enable us to meet the obligations of wildlife stewardship, habitat management, and public use.

Authority

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: September 27, 2011.

Mark J. Musaus,

Acting Regional Director.

[FR Doc. 2012-7403 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R4-ES-2012-N063; 40120-1112-0000-F2]

Final Environmental Impact Statement and Record of Decision for Alabama Beach Mouse General Conservation Plan for Incidental Take on the Fort Morgan Peninsula, Baldwin County, AL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service (Service), announces the availability of a final environmental impact statement (EIS), which analyzes the environmental impacts associated with issuing, in accordance with the proposed General Conservation plan (GCP), incidental take permits requested under the Endangered Species Act of 1973 (Act), as amended, for take of Alabama beach mouse (*Peromyscus polionotus ammobates*). For record of decision (ROD) availability, see **DATES**.

DATES: The ROD will be available no sooner than April 27, 2012.

ADDRESSES: Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to either of the following offices within 30 days of the date of publication of this notice: David Dell, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345; or Field Supervisor, Fish and Wildlife Service, 1208-B Main Street, Daphne, AL 36526.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator (See **ADDRESSES**), telephone: (404) 679-7313; or Ms. Shannon Holbrook, Field Office Project Manager, at the Daphne Field Office (See **ADDRESSES**), telephone: (251) 441-5871.

SUPPLEMENTARY INFORMATION: The Final EIS analyzes the consequences of the proposed action, take of the Alabama beach mouse incidental to construction of up to 500 single-family developments potentially affecting an estimated total of 75 acres of Alabama beach mouse habitat, and alternatives to the proposed action. Individual land owners who would need incidental take permits (ITP) for single-family developments, and whose development proposal fits within limits evaluated in the GCP, could apply for ITPs using the GCP provisions instead of producing their own habitat conservation plans. The GCP evaluates issuance of ITPs with up to 50-year terms under section 10(a)(1)(B) of the Act (16 U.S.C. 1531 *et seq.*). The GCP describes the mitigation and minimization measures proposed to address the effects on the species. On August 9, 2011, we published a notice of availability for a draft EIS (76 FR 48879) for a 90-day public comment period. For ROD availability, see **DATES**. The EIS analyzes the preferred alternative, as well as a full range of reasonable alternatives, and the

associated impacts of each. Alternative 3 (Preferred Alternative) would implement the GCP as proposed.

Authority: The environmental review of this project is being conducted in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR parts 1500 through 1508), and with other appropriate Federal laws and regulations, policies, and procedures of the Service for compliance with those regulations.

Dated: February 17, 2012.

Mark J. Musaus,

Acting Regional Director.

[FR Doc. 2012-7370 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNML00000 L12200000.DF0000]

Notice of Public Meeting, Las Cruces District Resource Advisory Council Meeting, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM), Las Cruces District Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting date is April 11 2012, at the BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005, from 10 a.m.–4 p.m. The public may send written comments to the RAC at the above address.

FOR FURTHER INFORMATION CONTACT: Rena Gutierrez, BLM Las Cruces District, 1800 Marquess Street, Las Cruces, NM 88005, 575-525-4338. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8229 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 10-member RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in New Mexico.

Planned agenda items include opening remarks from the District Manager, access issues, illegal trash dumps, and the Social-Economic Strategic Plan.

A half-hour public comment period during which the public may address the Council will begin at 2:30 p.m. on April 11, 2012. All RAC meetings are open to the public.

Depending on the number of individuals wishing to comment and time available, the time for individual oral comments may be limited.

Bill Childress,

District Manager, Las Cruces.

[FR Doc. 2012-7408 Filed 3-27-12; 8:45 am]

BILLING CODE 4310-VC-P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Remanded Biological Opinions on the Coordinated Long-Term Operation of the Central Valley Project and State Water Project: Notice of Intent To Prepare an Environmental Impact Statement and Notice of Scoping Meetings

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent and scoping meetings.

SUMMARY: The Bureau of Reclamation intends to prepare an environmental impact statement for modifications to the continued long-term operation of the Central Valley Project, in a coordinated manner with the State Water Project, that are likely to avoid jeopardy and destruction or adverse modification of designated critical habitat. We are seeking suggestions and information on the alternatives and topics to be addressed and any other important issues related to the proposed action.

DATES: Submit written comments on the scope of the environmental impact statement by May 29, 2012.

Four public scoping meetings will be held to solicit public input on alternatives, concerns, and issues to be addressed in the environmental impact statement:

1. Wednesday, April 25, 2012, 6 p.m. to 8 p.m., Madera, CA.
2. Thursday, April 26, 2012, 6 p.m. to 8 p.m., Diamond Bar, CA.
3. Wednesday, May 2, 2012, 2 p.m. to 4 p.m., Sacramento, CA.
4. Thursday, May 3, 2012, 6 p.m. to 8 p.m., Marysville, CA.

ADDRESSES: Send written comments to Janice Piñero, Endangered Species Compliance Act Specialist, Bureau of

Reclamation, Bay-Delta Office, 801 I Street Suite 140, Sacramento, CA 95814-2536; fax to (916) 414-2439; or email at jpinero@usbr.gov.

The scoping meetings will be held at the following locations:

1. Madera—Madera County Mail Library, Blanche Galloway Room, 121 N. G Street, Madera, CA 93637.
2. Diamond Bar—South Coast Air Quality Management District, Room CC6, 21865 Copley Dr., Diamond Bar, CA 91765.
3. Sacramento—Federal Building, 650 Capitol Mall, Stanford Room, Sacramento, CA 95814.
4. Yuba County Government Center, Board of Supervisors Chambers, 915 Eighth St., Marysville, CA 95901.

FOR FURTHER INFORMATION CONTACT:

Janice Piñero at (916) 414-2428; or email at jpinero@usbr.gov.

SUPPLEMENTARY INFORMATION:

- I. Agencies Involved
- II. Why We Are Taking This Action
- III. Results of Litigation
- IV. Purpose and Need for Action
- V. Project Area
- VI. Alternatives To Be Considered
- VII. Statutory Authority
- VIII. Request for Comments
- IX. Public Disclosure
- X. How To Request Reasonable Accommodation

I. Agencies Involved

We, the Bureau of Reclamation, are the lead Federal agency. We will invite the following agencies to participate as cooperating agencies for preparation of the environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA), as amended:

- U.S. Fish and Wildlife Service (USFWS),
- National Marine Fisheries Service (NMFS),
- U.S. Army Corps of Engineers; and
- U.S. Environmental Protection Agency (EPA).

We have also identified other Federal, State, and local agencies (e.g., California Department of Water Resources, California Department of Fish and Game, State and Federal Contractors Water Agency, etc.) as potential cooperating agencies, and we will invite them to participate as such in the near future.

II. Why We Are Taking This Action

The Central Valley Project (CVP) is the largest Federal Reclamation project. We operate the CVP in coordination with the State Water Project (SWP), under the Coordinated Operation Agreement between the Federal government and the State of California

(authorized by Pub. L. 99–546). Reclamation's 2008 Biological Assessment, as modified by general changes due to the passage of time and those items that have been litigated or legislated since the completion of the BA, describes operation of the projects.

In December 2008, USFWS issued a Biological Opinion analyzing the effects of the coordinated long-term operation of the CVP and SWP in California. The USFWS Biological Opinion:

- Concluded that “the coordinated operation of the CVP and SWP, as proposed, [was] likely to jeopardize the continued existence of the delta smelt” and “adversely modify delta smelt critical habitat.”
 - Included a Reasonable and Prudent Alternative for CVP and SWP operations designed to allow the projects to continue operating without causing jeopardy or adverse modification.
- On December 15, 2008, we provisionally accepted and then implemented the USFWS Reasonable and Prudent Alternative.

In June 2009, NMFS issued a Biological Opinion analyzing the effects of the coordinated long-term operation of the CVP and SWP on listed salmonids, green sturgeon and southern resident killer whale. This Biological Opinion concluded that the long-term operation of the CVP and SWP, as proposed, was likely to:

- Jeopardize the continued existence of Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, southern distinct population segment (DPS) of North American green sturgeon, and southern resident killer whales.
- Destroy or adversely modify critical habitat for Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead and the Southern DPS of North American green sturgeon.

The NMFS Biological Opinion included a Reasonable and Prudent Alternative designed to allow the projects to continue operating without causing jeopardy or adverse modification. On June 4, 2009, we provisionally accepted and then implemented the NMFS Reasonable and Prudent Alternative.

Several lawsuits were filed in the United States District Court for the Eastern District of California (the Court) challenging various aspects of the USFWS and NMFS Biological Opinions and our acceptance and implementation of the associated Reasonable and Prudent Alternatives.

III. Results of Litigation

The results of the above lawsuits were as follows.

- On November 16, 2009, the Court ruled that we violated NEPA by failing to conduct a NEPA review of the potential impacts to the human environment before provisionally accepting and implementing the 2008 USFWS Biological Opinion and Reasonable and Prudent Alternative.
- On March 5, 2010, the Court held that we violated NEPA by failing to undertake a NEPA analysis of potential impacts to the human environment before accepting and implementing the Reasonable and Prudent Alternative in the 2009 NMFS Biological Opinion.
- On December 14, 2010, the Court found certain portions of the USFWS Biological Opinion to be arbitrary and capricious, and remanded those portions of the Biological Opinion to USFWS. The Court ordered us to review the Biological Opinion and Reasonable and Prudent Alternative in accordance with NEPA.
- On September 20, 2011, in the Consolidated Salmonid Cases, the Court remanded the NMFS Biological Opinion to NMFS.

We now have an opportunity to initiate a combined NEPA process addressing both the USFWS and NMFS Reasonable and Prudent Alternatives. To that end, we are beginning this combined NEPA process to analyze the effects of modifications to the coordinated long-term operation of the CVP and SWP that are likely to avoid jeopardy to listed species and destruction or adverse modification of designated critical habitat.

IV. Purpose and Need for Action

The purpose of the action is to continue the operations of the CVP, in coordination with the SWP, as described in the 2008 Biological Assessment (as modified) to meet its authorized purposes, in a manner that:

- Is consistent with Federal Reclamation law, applicable statutes, previous agreements and permits, and contractual obligations;
- Avoids jeopardizing the continued existence of federally listed species; and
- Does not result in destruction or adverse modification of designated critical habitat.

Continued operation of the CVP is needed to provide flood control, water supply, fish and wildlife restoration and enhancement, and power generation. It also provides navigation, recreation, and water quality benefits. However, coordinated operation of the CVP, as described in the 2008 Biological

Assessment was found to likely jeopardize the continued existence of listed species and adversely modify critical habitat. The ESA requires Federal agencies to insure that their actions are not likely to jeopardize listed species or result in the destruction or adverse modification of critical habitat. Modifications to the coordinated operation of the CVP and SWP to be evaluated should be consistent with the intended purpose of the action, within the scope of our legal authority and jurisdiction, economically and technologically feasible, and avoid the likelihood of jeopardizing listed species or resulting in the destruction or adverse modification of critical habitat.

V. Project Area

The project area includes the CVP and SWP Service Areas and facilities, as described in this section.

A. CVP Facilities

The CVP facilities include reservoirs on the Trinity, Sacramento, American, Stanislaus, and San Joaquin rivers.

- A portion of the water from Trinity River is stored and re-regulated in Clair Engle Lake, Lewiston Lake, and Whiskeytown Reservoir, and diverted through a system of tunnels and powerplants into the Sacramento River. Water is also stored and re-regulated in Shasta and Folsom reservoirs. Water from these reservoirs and other reservoirs owned and/or operated by the SWP flows into the Sacramento River.

- The Sacramento River carries water to the Sacramento-San Joaquin Delta (Delta). The Jones Pumping Plant at the southern end of the Delta lifts the water into the Delta Mendota Canal (DMC). This canal delivers water to CVP contractors, who divert water directly from the DMC, and exchange contractors on the San Joaquin River, who divert directly from the San Joaquin River and the Mendota Pool. CVP water is also conveyed to the San Luis Reservoir for deliveries to CVP contractors through the San Luis Canal. Water from the San Luis Reservoir is also conveyed through the Pacheco Tunnel to CVP contractors in Santa Clara and San Benito counties.

- The CVP provides water from Millerton Reservoir on the San Joaquin River to CVP contractors located near the Madera and Friant-Kern canals. Water is stored in the New Melones Reservoir for water rights holders in the Stanislaus River watershed and CVP contractors in the northern San Joaquin Valley.

B. State Water Project Facilities

The Department of Water Resources operates and maintains the SWP, which delivers water to agricultural and municipal and industrial (M&I) contractors in northern California, the San Joaquin Valley, the Bay Area, the Central Coast, and southern California.

- SWP water is stored and re-regulated in Lake Oroville and released into the Feather River, which flows into the Sacramento River.

- SWP water flows in the Sacramento River to the Delta and is exported from the Delta at the Banks Pumping Plant. The Banks Pumping Plant lifts the water into the California Aqueduct, which delivers water to the SWP contractors and conveys water to the San Luis Reservoir.

- The SWP also delivers water to the Cross-Valley Canal, when the systems have capacity, for CVP water service contractors.

VI. Alternatives To Be Considered

The proposed action for the purposes of NEPA will consider operational components of the 2008 USFWS and the 2009 NMFS Reasonable and Prudent Alternatives. These components address continued operation of the CVP, in coordination with the SWP, in a manner intended to avoid jeopardizing continued existence of federally listed species or result in the destruction or adverse modification of designated critical habitat.

- We expect to analyze flow management actions resulting from the 2008 USFWS Reasonable and Prudent Alternative that affect:

- (1) Protection of adult, juvenile, and larval delta smelt; and

- (2) Habitat improvements for delta smelt growth and rearing.

- We expect to analyze flow management actions resulting from the 2009 NMFS Reasonable and Prudent Alternative that affect:

- (1) Attraction and channel maintenance flows;

- (2) Reduction of thermal stress;

- (3) Passage of fish at Red Bluff Diversion Dam;

- (4) Reduction of redd dewatering, entrainment, and straying; and

- (5) Reduction of negative hatchery influences on natural populations.

The proposed action will not consider:

- Structural changes prescribed in the NMFS 2009 Reasonable and Prudent Alternative that would require future evaluations, environmental documentation, and permitting; and

- Reasonable and Prudent Alternative actions that would require future studies.

As required by NEPA, we will develop and consider a proposed action and a reasonable range of alternatives, including a No Action Alternative.

Reasonable alternatives to the proposed action may include physical changes or changes in operations of CVP facilities.

Alternatives could affect all or various components of the CVP, and may also include actions that affect SWP operations. We will engage with the Department of Water Resources in developing the proposed action and alternatives. We will also consider including in the alternative analysis reasonable alternatives to the proposed action identified through the scoping process.

VII. Statutory Authority

NEPA [42 U.S.C. 4321 *et seq.*] requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. In addition, as required by NEPA, Reclamation will analyze in the EIS the potential direct, indirect, and cumulative environmental effects that may result from the implementation of the proposed action and alternatives, which may include, but are not limited to, the following areas of potential impact:

- a. Water resources, including groundwater;
- b. Land use, including agriculture;
- c. Socioeconomics;
- d. Environmental justice;
- e. Biological resources, including fish, wildlife, and plant species;
- f. Cultural resources;
- g. Water quality;
- h. Air quality;
- i. Soils, geology, and mineral resources;
- j. Visual, scenic, or aesthetic resources;
- k. Global climate change;
- l. Indian trust assets
- m. Transportation; and
- n. Recreation.

VII. Request for Comments

The purposes of this notice are:

- To advise other agencies, CVP and SWP water and power contractors, affected tribes, and the public of our intention to gather information to support the preparation of an EIS;

- To obtain suggestions and information from other agencies, interested parties, and the public on the scope of alternatives and issues to be addressed in the EIS; and

- To identify important issues raised by the public related to the development and implementation of the proposed action.

We invite written comments from interested parties to ensure that the full range of alternatives and issues related to the development of the proposed action are identified. Comments during this stage of the scoping process will only be accepted in written form. Written comments may be submitted by mail, electronic mail, facsimile transmission or in person (see **ADDRESSES**). Comments and participation in the scoping process are encouraged.

IX. 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.

X. How To Request Reasonable Accommodation

If special assistance is required at one of the scoping meetings, please contact Janice Piñero at the information provided above *mailto:* or TDD 916–978–5608, at least five working days before the meetings. Information regarding this proposed action is available in alternative formats upon request.

Dated: March 14, 2012.

Anastasia T. Leigh,

Regional Environmental Officer, Mid-Pacific Region.

[FR Doc. 2012–7488 Filed 3–27–12; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[DN 2885]

Certain Consumer Electronics, Including Mobile Phones and Tablets; Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled Certain Consumer Electronics, Including Mobile Phones and Tablets, DN 2885; the Commission is soliciting comments on any public interest issues

raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT:

James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Pragmatum AV, LLC on March 13, 2012. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain consumer electronics, including mobile phones and tablets. The complaint names as respondents ASUSTeK Computer, Inc. of Taiwan; ASUS Computer International, Inc. of CA; HTC Corporation of Taiwan; HTC America, Inc. of WA; LG Electronics, Inc. of South Korea; LG Electronics U.S.A., Inc. of NJ; LG Electronics MobileComm U.S.A., Inc. of CA; Pantech Co., Ltd. of South Korea; Pantech Wireless, Inc. of GA; Research In Motion Ltd. of Canada; Research In Motion Corp. of TX; Samsung Electronics Co., Ltd. of South Korea; Samsung Electronics America, Inc. of NJ; and Samsung Telecommunications America, LLC of TX.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint

or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 2885") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential

treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 13, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012-7474 Filed 3-27-12; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-678, 679, 681, and 682 (Third Review)]

Stainless Steel Bar From Brazil, India, Japan, and Spain; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* March 5, 2012.

FOR FURTHER INFORMATION CONTACT: Nathanael Comly (202-205-3174), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special

assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On March 5, 2012, the Commission determined that the domestic interested party group response to its notice of institution (76 FR 74807, December 1, 2011) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.¹ Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on May 8, 2012, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the reviews may file written comments with the Secretary on what determinations the Commission should reach in the reviews. Comments are due on or before May 11, 2012 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by May 11, 2012. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments

(which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. 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>.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined to exercise its authority to extend the reviews period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 22, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012–7345 Filed 3–27–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–524]

Brazil: Competitive Factors Affecting U.S. and Brazilian Agricultural Sales in Selected Third Country Markets

AGENCY: United States International Trade Commission.

ACTION: Extension of date for transmitting report.

SUMMARY: Following the receipt of a letter on March 22, 2012, from the Committee on Finance of the United States Senate (Committee), the Commission has extended to April 26, 2012, the date for transmitting its report to the Committee in investigation No. 332–524, *Brazil: Competitive Factors In Brazil Affecting U.S. and Brazilian Agricultural Sales in Selected Third Country Markets*.

DATES:

March 22, 2012: Receipt of the letter from the Committee.

April 26, 2012: New date for transmitting the Commission's report to the Committee.

Background

The Commission published notice of institution of the investigation in the **Federal Register** on May 24, 2011 (76 FR 30195). In its original notice of investigation, the Commission indicated that it would transmit its report to the Committee on March 26, 2012. The notice is also available on the Commission Web site at <http://www.usitc.gov>. All other information about the investigation, including a description of the subject matter to be addressed, contact information, and Commission addresses, remains the same as in the original notice. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

By order of the Commission.

Issued: March 23, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012–7472 Filed 3–27–12; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 10–54]

Zhiwei Lin, M.D.; Decision and Order

On September 19, 2011, Administrative Law Judge (ALJ) Timothy D. Wing issued the attached recommended decision (also ALJ). Therein, the ALJ found that Respondent is currently without authority to dispense controlled substances in California, the State in which he practices medicine and holds his DEA Registration and therefore recommended that his registration be revoked. Thereafter, Respondent filed two motions¹ and the Government filed a response to the motions. Having reviewed the record in its entirety including the ALJ's recommended decision and the various pleadings, I have decided to adopt the ALJ's rulings, findings of fact, conclusions of law, and

¹ The motions were titled "Motion for Reconsideration—Opposition for Summary Disposition" and "Amended Motion for Reconsideration—Exceptions to Order of Summary Disposition."

¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

² The Commission has found the responses submitted by domestic producers Carpenter Technology Corporation, Crucible Industries, LLC, Electralloy a G.O. Carlson Inc. Co., Universal Stainless & Alloy Products, Inc., and Valbruna Slater Stainless, Inc. to be individually adequate. Comments from other interested parties will not be accepted (see 19 CFR 207.62(d)(2)).

recommended order, except as noted below.

Following the receipt of Respondent's request for a hearing, the ALJ commenced pre-hearing procedures and issued an Order for Prehearing Statements. The Order clearly stated "that in the case of a motion, the non-moving party shall have until 4 p.m. EDT three business days after the date of service of any motion to file a responsive pleading" and that "[i]n the absence of good cause failure to file a written response * * * will be deemed a waiver of objection." ALJ at 2-3² (citing Order for Prehearing Statements, at 3).

On September 12, 2011, the Government filed a Motion for Summary Disposition, asserting that on July 28, 2011, the Medical Board of California (MBC) had issued an Interim Suspension Order against Respondent's medical license, and that consequently, Respondent no longer has authority to handle controlled substances in California, the jurisdiction in which he maintains his DEA registration. Mot. for Summ. Disp., at 1. The Government served the motion by both first class mail and facsimile. See *id.* at 3. When, by September 19, 2011, Respondent had not filed a response to the Government's motion, the ALJ issued his recommended decision finding that because Respondent was currently without authority under California law, he was not entitled to hold his DEA registration. ALJ at 4. The ALJ thus recommended that I revoke Respondent's registration. *Id.* at 5.

On September 20, 2011 Respondent filed a pleading titled Motion for Reconsider[sic]—Opposition to Motion for Summary Disposition (hereinafter, Motion for Reconsideration). On the same day, he also filed a document entitled Amended Motion for Reconsideration—Exceptions to Order of Summary Disposition—Opposition to Motion for Summary Disposition (Amended Motion).

In both motions, Respondent asserted that he had good cause for having failed to timely file a response to the Government's Motion for Summary Disposition within the time for filing a response. More specifically, Respondent's attorney stated that he did not see the faxed copy sent by the Government to his office on September 12, 2011 because he was in trial at the time and was receiving voluminous items of evidence by fax during that time. Motion for Reconsideration, at 1-2. See also Amended Motion at 1-2.

Respondent's attorney further stated that the mailed copy of the Government's Motion for Summary Disposition was not received in his office until September 16, 2011, and that because of his trial obligations he did not actually see the Government's Motion until September 19, 2011, by which date the time for filing his opposition to the motion had expired. *Id.* at 1-2.

Respondent's Amended Motion also asserted good cause to set aside the Order for Summary Disposition, stating that the finality of the MBC's Suspension Order should be questioned. *Id.* at 3-4. In the motion, Respondent argued that the Order to Show Cause and the MBC's Interim Suspension Order "are based largely on an assertion that Respondent began prescribing Vicodin to [a] DEA Special Agent [who acted in an undercover capacity (UC)] without an adequate examination." *Id.* at 2. Respondent asserted that the audio recording evidence of the initial appointment between the UC and Respondent was incomplete and contained a number of serious abnormalities that preclude authentication. *Id.* at 3. Respondent contended that the audio evidence may have been "intentionally erased, which would in turn impune (sic) Agent[s] credibility both for the purposes of the Medical Board hearing and the DEA OSC hearing." *Id.* at 3.

Respondent further argued that the instant case is factually distinguishable from the DEA decisions cited in Government's Motion for Summary Disposition because "in none of those cases was there credible evidence suggesting that the Department's agents had destroyed crucial evidence leading to the State Medical Board License Revocation Proceeding as well as the DEA Order to Show Cause." *Id.* Respondent contended that "[t]he DEA Administrative process has unique powers to compel the production of the [original recording and recording device] evidence that Respondent's counsel needs to inspect." *Id.* Finally, Respondent argued that "it is in the interest of justice for the [Agency] proceeding to determine whether * * * agents submitted falsified evidence to the [MBC], which * * * would lead to a ruling that would give cause for the Medical Board to set aside its suspension as well as for the Department to keep Respondent's DEA certificate in force." *Id.*

On September 21, the Government filed a Response to Respondent's Amended Motion for Reconsideration, arguing that Respondent's assertion of good cause for his late submission of his

opposition to its summary disposition motion was unpersuasive. Government Response to Motion for Reconsideration, at 1. The Government also argued that the evidentiary issues raised by Respondent are inapposite to the assertion that Respondent currently lacks authority to handle controlled substances in California, a fact which Respondent does not deny, and that therefore, he is not authorized to possess a DEA registration in that State. Government Response at 2 (citations omitted).

On September 22, 2011, the ALJ denied Respondent's motions. Ruling on Respondent's Amended Motion for Reconsideration-Exceptions to Order of Summary Disposition-Opposition To Motion For Summary Disposition, at 4. While the ALJ found that Respondent had demonstrated good cause for the late filing of his motions (due to "an inadvertent office management error" by his counsel), the ALJ found that his "request to set aside [the] previous ruling is without legal authority." *Id.* at 3. The ALJ further explained that "[a]lthough Respondent's arguments regarding the audio recording may be relevant at hearing, Respondent is not entitled to a hearing because he has failed to demonstrate that he has state authority to handle controlled substances." *Id.*

I need not decide whether Respondent established good cause³ for his failure to timely file an opposition to the Government's summary disposition motion because under the Administrative Procedure Act and DEA regulations, Respondent is entitled to file exceptions to the Administrative Law Judge's decision, which is only a recommendation. 5 U.S.C. 557(c); 21 CFR 1316.66. Under the Agency's rule, exceptions must be filed within twenty days after the date on which the recommended decision is served and there is no dispute that Respondent's pleading, which he also titled as exceptions, was timely filed. 21 CFR 1316.66(a). Thus, I will consider Respondent's post-ruling motions as timely filed exceptions to the ALJ's recommended decision.

As noted above, in his Exceptions, Respondent argues that the MBC's

³ But see *Kamir Garces Mejias*, 72 FR 54931, 54932 (2007) (quoting *De la Torre v. Continental Ins. Co.*, 15 F.3d 12, 15 (1st Cir. 1994) ("Respondent's claim 'that [her] attorney was preoccupied with other matters * * * has been tried before and regularly has been found wanting.' * * * 'Most attorneys are busy most of the time and they must organize their work so as to be able to meet the time requirements of matters they are handling or suffer the consequences.'") (quoting *Pinero Schroeder v. FNMA*, 5874 F.2d 1117, 1118 (1st Cir. 1978) (other citation omitted))).

² All citations to the ALJ's decision are to the slip opinion.

Interim Suspension Order (Suspension Order) and this Agency's subsequent Order to Show Cause is based on the allegation that he prescribed Vicodin to a DEA Special Agent "without an adequate examination." Exceptions at 2. Respondent maintains that "the crucial events of [the Agent's] conversations with Respondent are somehow 'missing' from the audio recording" of the Agent's visit and that a copy of an audio recording of the visit "contains a number of serious abnormalities that preclude [its] authentication." *Id.* at 3.

Respondent thus raises the specter of Government misconduct arguing that there is "credible evidence suggesting that the Department's agents ha[ve] destroyed crucial evidence leading to the State Medical Board License Revocation Proceeding." *Id.* Respondent then contends that "[i]f indeed government Agents were actively involved in the destruction of evidence * * * leading to the license revocation action which forms the basis for the Motion for Summary Disposition, it is in the interest of justice for [the DEA] proceeding to determine whether the Department's agents submitted falsified evidence to the [MBC] which, if further explored through the discovery process, would lead to a ruling that would give cause for the [MBC] to set aside its suspension as well as for the [Agency] to keep Respondent's DEA certificate in force." *Id.*

This fishing expedition cannot leave the dock, however, for two reasons. First, Respondent's license remains subject to the interim order of the MBC which suspended his California Physician and Surgeon's Certificate. As explained in the ALJ's decision, this action, which is undisputed, rendered Respondent without authority to dispense controlled substances in the State in which he practices medicine and holds his DEA registration, and thus he no longer meets an essential condition for holding a registration. *See* 21 U.S.C. 824(a)(3) (authorizing revocation of registration based "upon a finding that the registrant * * * has had his State license * * * suspended [or] revoked * * * by competent State authority and is no longer authorized by State law to engage in the * * * dispensing of controlled substances"); *see also id.* § 802(21) (defining "the term 'practitioner' [to] mean[] a * * * physician * * * or other person licensed, registered or otherwise permitted, by * * * the jurisdiction in which he practices * * * to distribute, dispense, [or] administer * * * a controlled substance in the course of professional practice"); *id.* § 823(f) ("The Attorney General shall register

practitioners * * * if the applicant is authorized to dispense * * * controlled substances under the laws of the State in which he practices.").

Second, Respondent's contention is a collateral attack on the validity of the MBC's Suspension Order. However, DEA has held repeatedly that a registrant cannot collaterally attack the result of a state criminal or administrative proceeding in a proceeding under section 304, 21 U.S.C. 824, of the CSA. *Calvin Ramsey*, 76 FR 20034, 20036 (2011) (other citations omitted); *Brenton D. Glisson*, 72 FR 54296, 54297 n.2 (2007); *Shahid Musud Siddiqui*, 61 FR 14818, 14818–19 (1996). Rather, Respondent's various challenges to the validity of the MBC's Suspension Order must be litigated in the forums provided by the State of California. Thus, Respondent's contentions regarding the validity of the MBC's Suspension Order are therefore not material to this Agency's resolution of whether he is entitled to maintain his DEA registration in California.

Because it is undisputed that Respondent currently lacks authority to dispense controlled substances in California, the State in which he holds his DEA registration, Respondent is not entitled to maintain his registration. Accordingly, I adopt the ALJ's recommended decision and will order that Respondent's registration be revoked and that any pending application be denied.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b), I order that DEA Certificate of Registration BL7325079, issued to Zhiwei Lin, M.D., be, and it hereby is, revoked. I further order that any pending application of Zhiwei Lin, M.D., to renew or modify his registration, be, and it hereby is, denied. This Order is effective immediately.⁴

Dated: March 20, 2012.

Michele M. Leonhart,

Administrator.

Christine Menendez, Esq., for the

Government

Alan I. Kaplan, Esq., for the Respondent

Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge

Timothy D. Wing, Administrative Law Judge. This proceeding is an adjudication governed by the

⁴ For the same reasons that the State imposed its emergency suspension of Respondent's medical license, I conclude that the public interest requires that this Order be effective immediately. 21 CFR 1316.67.

Administrative Procedure Act, 5 U.S.C. § 551 et seq., to determine whether a practitioner's Certificate of Registration (COR) with the Drug Enforcement Administration (DEA, Government or Agency) should be revoked and any pending applications for renewal or modification of that registration denied. Without this registration, Zhiwei Lin, M.D. (Respondent), would be unable to lawfully possess, prescribe, dispense or otherwise handle controlled substances.

I. Procedural Posture

On August 8, 2011, the Deputy Assistant Administrator, DEA, issued an Order to Show Cause (OSC) of DEA COR BL7325079. The OCS provided notice to Respondent of an opportunity to show cause as to why the DEA should not revoke Respondent's DEA COR BL7325079, pursuant to 21 U.S.C. § 824(a)(4), and deny any pending applications for renewal or modification, on the grounds that Respondent's continued registration would be inconsistent with the public interest under 21 U.S.C. § 823(f). On September 2, 2011, Respondent, through counsel, in a letter dated August 31, 2011, timely requested a hearing with the DEA Office of Administrative Law Judges.

I issued an Order for Prehearing Statements on September 6, 2011.

On September 12, 2011, the Government filed a Motion for Summary Disposition, with a copy served on Respondent via U.S. mail. (Mot. at 3.) Pursuant to the September 6, 2011 Order for Prehearing Statements, Respondent had "until 4 p.m. EDT three business days after the date of service of any motion to file a responsive pleading* * *. In the absence of good cause, failure to file a written response to the moving party's motion after three business days will be deemed a waiver of objection." (Order for Prehearing Statements at 3.)

As of September 19, 2011, five business days after service of the Government's Motion for Summary Disposition, Respondent had not yet filed a response. While not dispositive, Respondent is deemed to have waived any objection to the Government's motion.

II. The Parties' Contentions

A. The Government

In support of its Motion for Summary Disposition, the Government asserts that on July 28, 2011, the Medical Board of California issued an Interim Suspension Order suspending Respondent's medical license, and that Respondent consequently lacks authority to handle

controlled substances in California, the jurisdiction in which he maintains his DEA registration. (Mot. at 1.) The Government contends that such state authority is a necessary condition for maintaining a DEA COR and therefore asks that I summarily recommend to the Administrator that Respondent's COR be revoked and any pending applications for renewal or modification be denied. (Mot. at 1–2.) In support of its motion, the Government cites Agency precedent and attaches the Interim Suspension Order issued by the Medical Board of California, marked for identification as Exhibit B.

B. Respondent

As noted above, Respondent did not respond to the Government's Motion for Summary Disposition, or seek an extension within the deadline for response, and is therefore deemed to waive objection.

III. Discussion

At issue is whether Respondent may maintain his DEA COR given that California has suspended Respondent from the practice of medicine or surgery.

Under 21 U.S.C. § 824(a)(3), a practitioner's loss of state authority to engage in the practice of medicine and to handle controlled substances is grounds to revoke a practitioner's registration. Accordingly, this Agency has consistently held that a person may not hold a DEA registration if he is without appropriate authority under the laws of the state in which he does business. See *Scott Sandarg, D.M.D.*, 74 Fed. Reg. 17,528 (DEA 2009); *David W. Wang, M.D.*, 72 Fed. Reg. 54,297 (DEA 2007); *Sheran Arden Yeates, M.D.*, 71 Fed. Reg. 39,130 (DEA 2006); *Dominick A. Ricci, M.D.*, 58 Fed. Reg. 51,104 (DEA 1993); *Bobby Watts M.D.*, 53 Fed. Reg. 11,919 (DEA 1988).

Summary disposition in a DEA suspension case is warranted even if the period of suspension of a respondent's state medical license is temporary, or even if there is the potential for reinstatement of state authority because "revocation is also appropriate when a state license had been suspended, but with the possibility of future reinstatement." *Stuart A. Bergman, M.D.*, 70 Fed. Reg. 33,193 (DEA 2005); *Roger A. Rodriguez, M.D.*, 70 Fed. Reg. 33,206 (DEA 2005).

It is well-settled that when no question of fact is involved, or when the material facts are agreed upon, a plenary, adversarial administrative proceeding is not required, under the rationale that Congress does not intend administrative agencies to perform

meaningless tasks. See *Layfe Robert Anthony, M.D.*, 67 Fed. Reg. 35,582 (DEA 2002); *Michael G. Dolin, M.D.*, 65 Fed. Reg. 5661 (DEA 2000); see also *Philip E. Kirk, M.D.*, 48 Fed. Reg. 32,887 (DEA 1983), *aff'd sub nom. Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984). *Accord Puerto Rico Aqueduct & Sewer Auth. v. EPA*, 35 F.3d 600, 605 (1st Cir. 1994).

In the instant case, the Government asserts, and Respondent does not contest, that Respondent's California license to practice medicine and surgery is presently suspended. This allegation is confirmed by Government Exhibit B. I therefore find there is no genuine dispute as to any material fact, and that substantial evidence shows that Respondent is presently without state authority to handle controlled substances in California. Because "DEA does not have statutory authority under the Controlled Substances Act to maintain a registration if the registrant is without state authority to handle controlled substances in the state in which he practices," *Sheran Arden Yeates, M.D.*, 71 Fed. Reg. 39,130, 39,131 (DEA 2006), I conclude that summary disposition is appropriate. It is therefore

ORDERED that the hearing in this case, scheduled to commence on November 15, 2011, is hereby CANCELLED; and it is further

ORDERED that all proceedings before the undersigned are STAYED pending the Agency's issuance of a final order.

Recommended Decision

I grant the Government's Motion for Summary Disposition and recommend that Respondent's DEA COR BL7325079 be revoked and any pending applications denied.

September 19, 2011.

s/Timothy D. Wing,

Administrative Law Judge.

[FR Doc. 2012-7421 Filed 3-27-12; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act of 1998 (WIA); Lower Living Standard Income Level (LLSIL)

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: Title I of WIA (Pub. L. 105-220) requires the U.S. Secretary of Labor (Secretary) to update and publish the

LLSIL tables annually, for uses described in the law (including determining eligibility for youth). WIA defines the term "low income individual" as one who qualifies under various criteria, including an individual who received income for a six-month period that does not exceed the higher level of the poverty line or 70 percent of the LLSIL. This issuance provides the Secretary's annual LLSIL for 2012 and references the current 2012 Health and Human Services "Poverty Guidelines."

DATES: This notice is effective *March 28, 2012*.

FOR FURTHER INFORMATION OR QUESTIONS ON LLSIL:

Please contact Samuel Wright, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room S-4231, Washington, DC 20210; Telephone: 202-693-2870; Fax: 202-693-33015 (these are not toll-free numbers); Email address: wright.samuel.e@dol.gov. Individuals with hearing or speech impairments may access the telephone number above via Text Telephone (TTY/TDD) by calling the toll-free Federal Information Relay Service at 1-877-889-5627 (TTY/TDD).

FOR FURTHER INFORMATION OR QUESTIONS ON FEDERAL YOUTH EMPLOYMENT PROGRAMS:

Please contact Evan Rosenberg, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4464, Washington, DC 20210; Telephone: 202-693-3593; Fax: 202-693-3110 (these are not toll-free numbers); Email: Rosenberg.Evan@dol.gov. Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1-877-889-5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The purpose of WIA is to provide workforce investment activities through statewide and local workforce investment systems that increase the employment, retention, and earnings of participants. WIA programs are intended to increase the occupational skill attainment by participants and the quality of the workforce, thereby reducing welfare dependency and enhancing the productivity and competitiveness of the Nation.

LLSIL is used for several purposes under the WIA. Specifically, WIA Section 101(25) defines the term "low income individual" for eligibility purposes, and Sections 127(b)(2)(C) and 132(b)(1)(B)(v)(IV) define the terms "disadvantaged youth" and "disadvantaged adult" in terms of the

poverty line or LLSIL for State formula allotments. The governor and State/local workforce investment boards (WIBs) use the LLSIL for determining eligibility for youth and adults for certain services. ETA encourages governors and State/local WIBs to consult the WIA regulations and the preamble to the WIA Final Rule (published at 65 FR 49294 August 11, 2000) for more specific guidance in applying LLSIL to program requirements. The U.S. Department of Health and Human Services (HHS) published the most current poverty-level guidelines in the **Federal Register** on January 26, 2012 (Volume 77, Number 17), pp. 4034–4035. The HHS 2012 Poverty guidelines may also be found on the Internet at <http://aspe.hhs.gov/poverty/12poverty.shtml>. ETA plans to have the 2012 LLSIL available on its Web site at <http://www.doleta.gov/llsil/2012/>.

WIA Section 101(24) defines LLSIL as “that income level (adjusted for regional, metropolitan, urban and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent lower living family budget issued by the Secretary.” The most recent lower living family budget was issued by the Secretary in fall 1981. The four-person urban family budget estimates, previously published by the U.S. Bureau of Labor Statistics (BLS), provided the basis for the Secretary to determine the LLSIL. BLS terminated the four-person family budget series in 1982, after publication of the fall 1981 estimates. Currently, BLS provides data to ETA, which ETA then uses to develop the LLSIL tables, as provided in the Appendices to this **Federal Register** notice.

ETA published the 2011 updates to the LLSIL in the **Federal Register** of March 21, 2011, at Vol. 76, No. 54, pp. 15343–15348. This notice again updates the LLSIL to reflect cost of living increases for 2011, by calculating the percentage change in the most recent 2011 Consumer Price Index for All Urban Consumers (CPI-U) for an area to the 2010 CPI-U, and then applying this calculation to each of the March 21, 2011 LLSIL figures. The updated figures for a four-person family are listed in Appendix A, Table 1, by region for both metropolitan and non-metropolitan areas. Numbers in all of the Appendix tables are rounded up to the nearest dollar. Since program eligibility for low-income individuals, “disadvantaged adults” and “disadvantaged youth” may be determined by family income at 70 percent of the LLSIL, pursuant to WIA Sections 101(25), 127(b)(2)(C), and

132(b)(1)(B)(v)(IV), respectively, those figures are listed as well.

I. Jurisdictions

Jurisdictions included in the various regions, based generally on the Census Regions of the U.S. Department of Commerce, are as follows:

A. Northeast

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania Rhode Island, Vermont

B. Midwest

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin

C. South

Alabama, American Samoa, Arkansas, Delaware, District of Columbia, Florida, Georgia, Northern Marianas, Oklahoma, Palau, Puerto Rico, South Carolina, Kentucky, Louisiana, Marshall Islands, Maryland, Micronesia, Mississippi, North Carolina, Tennessee, Texas, Virgin Islands, Virginia, West Virginia

D. West

Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming

Additionally, separate figures have been provided for Alaska, Hawaii, and Guam as indicated in Appendix B, Table 2.

For Alaska, Hawaii, and Guam, the year 2011 figures were updated from the 2011 “State Index” based on the ratio of the urban change in the State (using Anchorage for Alaska and Honolulu for Hawaii and Guam) compared to the West regional metropolitan change, and then applying that index to the West regional metropolitan change.

Data on 23 selected Metropolitan Statistical Areas (MSAs) are also available. These are based on annual and semiannual CPI-U changes for a 12-month period ending in December 2011. The updated LLSIL figures for these MSAs and 70 percent of LLSIL are reported in Appendix C, Table 3.

Appendix D, Table 4 lists each of the various figures at 70 percent of the updated 2011 LLSIL for family sizes of one to six persons. Because Tables 1–3 only list the LLSIL for a family of four, Table 4 can be used to separately determine the LLSIL for families of between one and six persons. For families larger than six persons, an amount equal to the difference between the six-person and the five-person family income levels should be added to the six-person family income level for each additional person in the family. Where the poverty level for a particular family size is greater than the corresponding 70 percent of the LLSIL

figure, the figure is shaded. A modified Microsoft Excel version of Appendix D, Table 4, with the area names, will be available on the ETA LLSIL Web site at <http://www.doleta.gov/llsil/2012/>. Appendix E, Table 5, indicates 100 percent of LLSIL for family sizes of one to six, and is used to determine self-sufficiency as noted at 20 CFR 663.230 of the WIA regulations and WIA Section 134(d)(3)(A)(ii).

II. Use of These Data

Governors should designate the appropriate LLSILs for use within the State from Appendices A, B, and C, containing Tables 1 through 3. Appendices D and E, which contain Tables 4 and 5, which adjust a family of four figure for larger and smaller families, may be used with any LLSIL designated. The governor’s designation may be provided by disseminating information on MSAs and metropolitan and non-metropolitan areas within the State or it may involve further calculations. For example, the State of New Jersey may have four or more LLSIL figures for Northeast metropolitan, Northeast non-metropolitan, portions of the State in the New York City MSA, and those in the Philadelphia MSA. If a workforce investment area includes areas that would be covered by more than one figure, the governor may determine which is to be used.

Under 20 CFR 661.110, a State’s policies and measures for the workforce investment system shall be accepted by the Secretary to the extent that they are consistent with WIA and WIA regulations.

III. Disclaimer on Statistical Uses

It should be noted that publication of these figures is only for the purpose of meeting the requirements specified by WIA as defined in the law and regulations. BLS has not revised the lower living family budget since 1981, and has no plans to do so. The four-person urban family budget estimates series has been terminated. The CPI-U adjustments used to update LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL, but are not in the CPI-U. Thus, these figures should not be used for any statistical purposes, and are valid only for those purposes under WIA as defined in the law and regulations.

Appendix A

TABLE 1—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS) BY REGION ¹

Region ²	2012 adjusted LLSIL	70 percent LLSIL
Northeast		
Metro	\$40,521	\$28,365
Non-Metro ³	38,745	27,122
Midwest		
Metro	35,749	25,024
Non-Metro	34,629	24,240
South		
Metro	34,578	24,205
Non-Metro	34,082	23,857
West		
Metro	38,944	27,261
Non-Metro ⁴	37,530	26,271

¹ For ease of use, these figures are rounded to the next highest dollar.

² Metropolitan area measures were calculated from the weighted average CPI-U's for city size classes A and B/C. Non-metropolitan area measures were calculated from the CPI-U's for city size class D.

³ Non-metropolitan area percent changes for the Northeast region are no longer available. The Non-metropolitan percent change was calculated using the U.S. average CPI-U for city size class D.

⁴ Non-metropolitan area percent changes for the West region are based on unpublished BLS data.

Appendix B

TABLE 2—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR ALASKA, HAWAII AND GUAM ¹

Region	2012 adjusted LLSIL	70 percent LLSIL
Alaska		
Metro	\$46,311	\$32,418
Non-Metro ²	47,090	32,963
Hawaii, Guam		
Metro	50,089	35,062
Non-Metro ²	50,272	35,190

¹ For ease of use, these figures are rounded to the next highest dollar.

² Non-Metropolitan percent changes for Alaska, Hawaii and Guam were calculated from the CPI-U's for all urban consumers for city size class D in the Western Region. Generally the non-metro areas LLSIL is lower than the LLSIL in metro areas. This year the non-metro area LLSIL incomes were larger because the change in CPI-U was smaller in the metro areas compared to the change in CPI-U in the non-metro areas of Alaska, Hawaii and Guam.

Appendix C

TABLE 3—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR 23 SELECTED MSAs ¹

Metropolitan statistical areas (MSAs)	2012 adjusted LLSIL	70 percent LLSIL
Anchorage, AK	\$47,469	\$33,228
Atlanta, GA	32,617	22,832
Boston—Brockton—Nashua, MA/NH/ME/CT	43,364	30,355
Chicago—Gary—Kenosha, IL/IN/WI	37,012	25,908
Cincinnati—Hamilton, OH/KY/IN	35,188	24,632
Cleveland—Akron, OH	36,836	25,785
Dallas—Ft. Worth, TX	32,781	22,947
Denver—Boulder—Greeley, CO	37,064	25,945
Detroit—Ann Arbor—Flint, MI	34,477	24,134
Honolulu, HI	51,191	35,834
Houston—Galveston—Brazoria, TX	32,109	22,476
Kansas City, MO/KS	34,261	23,983
Los Angeles—Riverside—Orange County, CA	40,915	28,641
Milwaukee—Racine, WI	35,205	24,644
Minneapolis—St. Paul, MN/WI	35,186	24,630
New York—Northern NJ—Long Island, NY/NJ/CT/PA	42,832	29,982
Philadelphia—Wilmington—Atlantic City, PA/NJ/DE/MD	38,992	27,294
Pittsburgh, PA	42,595	29,817
St. Louis, MO/IL	33,341	23,339
San Diego, CA	44,737	31,316

TABLE 3—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR 23 SELECTED MSAs¹—Continued

Metropolitan statistical areas (MSAs)	2012 adjusted LLSIL	70 percent LLSIL
San Francisco—Oakland—San Jose, CA	41,689	29,182
Seattle—Tacoma—Bremerton, WA	42,465	29,726
Washington—Baltimore, DC/MD/VA/WV ²	43,606	30,524

¹ For ease of use, these figures are rounded to the next highest dollar.
² Baltimore and Washington are calculated as a single metropolitan statistical area.

Appendix D

Table 4: 70 Percent of Updated 2012 Lower Living Standard Income Level (LLSIL), by Family Size

To use the 70 percent LLSIL value, where it is stipulated for the WIA programs, begin by locating the region or metropolitan area where the program applicant resides. These are listed in Tables 1, 2 and 3. After locating the appropriate region or metropolitan statistical area, find the 70 percent LLSIL amount for that location. The 70 percent LLSIL figures are listed in the last column to

the right on each of the three tables. These figures apply to a family of four. Larger and smaller family eligibility is based on a percentage of the family of four. To determine eligibility for other size families consult Table 4 and the instructions below.

To use Table 4, locate the 70 percent LLSIL value that applies to the individual's region or metropolitan area from Tables 1, 2 or 3. Find the same number in the "family of four" column of Table 4. Move left or right across that row to the size that corresponds to the individual's family unit. That figure is the maximum household income the individual

is permitted in order to qualify as economically disadvantaged under the WIA. Where the HHS poverty level for a particular family size is greater than the corresponding LLSIL figure, the LLSIL figure appears in a shaded block. Individuals from these size families may consult the 2012 HHS poverty guidelines found on the Health and Human Services Web site at <http://aspe.hhs.gov/poverty/12poverty.shtml> to find the higher eligibility standard. Individuals from Alaska and Hawaii should consult the HHS guidelines for the generally higher poverty levels that apply in their States.

Family of one	Family of two	Family of three	Family of four	Family of five	Family of six
\$8,098	\$13,267	\$18,209	\$22,476	\$26,526	\$31,021
8,221	13,473	18,501	22,832	26,945	31,510
8,266	13,545	18,592	22,947	27,084	31,671
8,408	13,775	18,908	23,339	27,544	32,208
8,595	14,081	19,326	23,857	28,154	32,925
8,634	14,153	19,432	23,983	28,303	33,101
8,691	14,239	19,552	24,134	28,480	33,304
8,718	14,284	19,606	24,205	28,568	33,411
8,733	14,305	19,639	24,240	28,611	33,459
8,870	14,536	19,956	24,630	29,070	33,996
8,870	14,538	19,958	24,632	29,070	33,995
8,872	14,542	19,964	24,644	29,083	34,011
9,010	14,769	20,271	25,024	29,530	34,541
9,285	15,220	20,889	25,785	30,431	35,585
9,328	15,292	20,985	25,908	30,577	35,761
9,344	15,313	21,021	25,945	30,617	35,808
9,459	15,502	21,284	26,271	31,005	36,262
9,766	16,008	21,975	27,122	32,009	37,428
9,815	16,084	22,083	27,261	32,169	37,625
9,832	16,108	22,112	27,294	32,214	37,669
10,215	16,742	22,978	28,365	33,476	39,146
10,312	16,898	23,200	28,641	33,797	39,530
10,511	17,224	23,639	29,182	34,439	40,278
10,708	17,540	24,081	29,726	35,080	41,024
10,739	17,599	24,157	29,817	35,190	41,152
10,795	17,694	24,287	29,982	35,379	41,383
10,930	17,912	24,595	30,355	35,824	41,892
10,994	18,016	24,729	30,524	36,026	42,132
11,280	18,478	25,370	31,316	36,957	43,222
11,676	19,128	26,263	32,418	38,256	44,744
11,872	19,449	26,703	32,963	38,898	45,489
11,968	19,612	26,919	33,228	39,216	45,856
12,629	20,689	28,406	35,062	41,377	48,393
12,673	20,768	28,507	35,190	41,527	48,565
12,905	21,144	29,026	35,834	42,286	49,458

Appendix E

Table 5: Updated 2012 LLSIL (100 Percent), by Family Size

To use the LLSIL to determine the minimum level for establishing self-sufficiency criteria at the State or local level,

begin by locating the metropolitan area or region from Table 1, 2 or 3. Then locate the appropriate region or metropolitan statistical area and then find the 2012 adjusted LLSIL amount for that location. These figures apply to a family of four. Locate the corresponding number in the family of four in the column

below. Move left or right across that row to the size that corresponds to the individual's family unit. That figure is the minimum figure that States must set for determining whether employment leads to self-sufficiency under WIA programs.

Family of one	Family of two	Family of three	Family of four	Family of five	Family of six
\$11,569	\$18,953	\$26,013	\$32,109	\$37,894	\$44,316
11,744	19,247	26,430	32,617	38,493	45,014
11,808	19,350	26,560	32,781	38,691	45,244
12,012	19,679	27,012	33,341	39,348	46,012
12,279	20,116	27,609	34,082	40,220	47,036
12,334	20,218	27,760	34,261	40,433	47,287
12,416	20,342	27,931	34,477	40,685	47,577
12,454	20,406	28,008	34,578	40,811	47,730
12,476	20,436	28,055	34,629	40,873	47,798
12,672	20,765	28,508	35,186	41,528	48,565
12,671	20,769	28,511	35,188	41,528	48,564
12,674	20,774	28,520	35,205	41,547	48,587
12,871	21,098	28,958	35,749	42,185	49,344
13,264	21,743	29,841	36,836	43,473	50,835
13,325	21,846	29,979	37,012	43,681	51,087
13,349	21,875	30,030	37,064	43,738	51,154
13,513	22,146	30,406	37,530	44,293	51,803
13,951	22,868	31,393	38,745	45,727	53,468
14,021	22,977	31,547	38,944	45,955	53,750
14,045	23,011	31,588	38,992	46,020	53,813
14,593	23,917	32,825	40,521	47,823	55,923
14,731	24,140	33,143	40,915	48,281	56,471
15,016	24,605	33,770	41,689	49,198	57,540
15,297	25,057	34,402	42,465	50,114	58,605
15,342	25,141	34,510	42,595	50,271	58,788
15,422	25,277	34,695	42,832	50,542	59,118
15,614	25,589	35,135	43,364	51,177	59,845
15,705	25,737	35,327	43,606	51,465	60,188
16,114	26,397	36,243	44,737	52,795	61,746
16,680	27,326	37,519	46,311	54,652	63,920
16,960	27,784	38,147	47,090	55,569	64,984
17,097	28,017	38,455	47,469	56,023	65,509
18,042	29,556	40,580	50,089	59,110	69,133
18,104	29,668	40,724	50,272	59,324	69,378
18,436	30,205	41,465	51,191	60,408	70,654

Signed at Washington, DC, this 12th day of March, 2012.

Jane Oates,

Assistant Secretary for Employment and Training.

[FR Doc. 2012-7377 Filed 3-27-12; 8:45 am]

BILLING CODE 4510-FT-P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2011-1]

Cable Statutory License: Specialty Station List

AGENCY: Copyright Office, Library of Congress.

ACTION: Final specialty station list.

SUMMARY: The Copyright Office is publishing a final list of stations listed in affidavits sent to the Copyright Office in which the owner or licensee of the station attests that the station qualifies as a specialty station in accordance with the Federal Communications Commission's ("FCC") definition of specialty station in effect on June 24, 1981. The list shall be used to verify the specialty station status of those stations

identified as such by cable systems on their semi-annual statements of account.

DATES: *Effective Date:* March 28, 2012.

Applicability Dates: The list is applicable to statements of account filed with the Copyright Office beginning with the first accounting period of 2012 covering January 1, 2012 to June 30, 2012.

FOR FURTHER INFORMATION CONTACT: Ben Golant, Assistant General Counsel, and Tanya M. Sandros, Deputy General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: Under the cable statutory license, 17 U.S.C. 111, a cable operator may retransmit the signal of a distant television station identified as a specialty station at the base rate rather than at the higher 3.75% rate that is incurred for the carriage of a non-permitted signal. 37 CFR 256.2(c). Specialty station status is determined by reference to the former regulations of the FCC which defined a specialty station as "a commercial television broadcast station that generally carries foreign-language, religious, and/or automated programming in one-third of the hours of an average broadcast week

and one-third of the weekly prime-time hours." 47 CFR 76.5(kk) (1981). The specialty station designation was part of a complex regulatory structure governing the carriage of distant network station signals in the 1970s. However, the FCC no longer determines whether a station qualifies as a specialty station. It repealed its distant signal carriage rules in 1981 and has not reviewed its specialty station policy since that time. Nevertheless, the Office still keeps an active list because it is relevant to the calculation of royalties under Section 111.

On this point, it should be noted that over twenty years ago, the Office implemented policies and procedures concerning notice to the public regarding specialty stations, the point of which was to provide all interested parties with a chance to comment on those stations claiming specialty status. It was the Office's intention at that time that the notice, publication, and objection procedures would give all parties a chance to cooperate in their assessment of the specialty stations on the list. 54 FR 38461, 38464 (September 18, 1989). The Office published its first specialty station list in 1990 under these procedures which allowed the owner of

the station to file an affidavit with the Office attesting to the fact that the station's programming comports with the 1981 FCC definition, and hence, qualifies it as a specialty station. 55 FR 40021 (October 1, 1990). The Office noted at that time that it would periodically update the list and has done so on several occasions.

Accordingly, on January 28, 2011, the Office again initiated a proceeding to update the list with the publication of a Notice in the **Federal Register** asking the owner, or a valid agent of the owner, to file a sworn affidavit stating that the station's programming satisfies the FCC's former requirements for specialty station status. 76 FR 5213 (January 28, 2011). The Office received affidavits from 63 broadcast stations for which the owner or licensee of the television station had filed the requested affidavit. The Office then published an initial specialty station list in the **Federal Register** on April 22, 2011. 76 FR 22733 (April 22, 2011).

In the aforementioned Notice, the Office stated that any party objecting to any claim to specialty station status must submit comments with the Office stating his or her objections within thirty days of publication of this Notice in the **Federal Register**. The Motion Picture Association of America, Inc. ("MPAA") made such a filing and objected to the inclusion of certain television stations. MPAA also contended that the Register has the authority to determine whether a particular station is properly identified as a specialty station. In its objection, MPAA referred to the standards set forth in 17 U.S.C. 411(b)(1) regarding the use of a registration certificate for purposes of filing an infringement suit, noting that the certificate of registration would not be valid for this purpose if the application contained inaccurate information which, "if known would have caused the Register of Copyrights to refuse registration." MPAA maintained that the same principle should apply in the case of specialty stations where the Office has accurate information to make a final determination as to whether a particular station should be characterized as a specialty station.

In a subsequent notice, the Office provided an opportunity for the television broadcast stations that had filed affidavits attesting to their specialty station status the opportunity to rebut any objections filed to their identification as a specialty station and clarify their status for the purposes expressed herein. Moreover, the Office sought comment on MPAA's contention that 17 U.S.C. 411(b)(1) provides

authority for, or is relevant to, whether the Office can make a final determination on the classification of a broadcast station as a specialty station. See 76 FR 69288 (Nov. 22, 2011). In addition, in keeping with its earlier practices, the Office notified each station directly of the objection to its filing and of the opportunity to file reply comments in support of its affidavit.

Storefront Television, LLC d/b/a Caribbean Broadcasting Network ("Storefront"), the licensee of WPRU-LP, WSJX-LP, and WVXF(TV) responded to the objection of the MPAA to the inclusion of its three stations in the specialty station list compiled by the Office. It commented that the FCC determined that English language programming is foreign language programming in Puerto Rico and English language stations imported into the San Juan market are considered specialty stations. See *Cable Television Co. of Puerto Rico*, 46 FCC 2d 1096 (1974); *Cable TV Puerto Rico*, 68 FCC 2d 609 (1978). It asserted that WPRU-LP and WSJX-LP, as English language stations licensed in Puerto Rico, qualified as specialty stations. With regard to WVXF(TV), Storefront stated that this television station is licensed to the US Virgin Islands, but its English language programming is imported into Puerto Rico. It concluded that this station also qualified as a specialty station under the circumstances. See Storefront Reply to Opposition at 1-2.

Venture Technologies Group, LLC ("VTG") (licensee of WNYA-CA, KHTV-LP, WNIJ-LD, KEBK-LP, KFIQ-LP, KILA-LP, KMRZ-LP, KRMV-LP, KRPE-LP, KRVD-LP, KSCZ-LP, KSGO-LP, WXOX-LP, KFMP-LP, KDBK-LP, W20CM, W26DB, W34DI, W42CX, W46DQ, W49DK, W52DW, W59EA), Four Seasons Peoria, LLC (licensee of WBQD-LP), World Television of Washington, LLC, and WLFM, LLC (licensee of WLFM-LP) also filed a response to MPAA's objection to the inclusion of several of their stations on the specialty station list compiled by the Office. These four broadcast groups asserted that their listed stations carry automated programming in at least one-third of the hours of an average broadcast week and one third of the weekly prime-time hours. They concluded that all listed stations qualified as specialty stations under the FCC's former rules and the affidavits submitted asserting the status of each station are accurate. They also stated that the fact that a licensed station is temporarily off the air because of technical or other considerations should not prevent that station from being

included on the Specialty Station list as long as the station met the FCC's criteria for a specialty station prior to going silent and will meet the criteria when it returns to the air. See *VTG et. al. Reply to Opposition* at 1-3.

No one, however, filed comments responsive to the Office's request regarding the Register's authority to resolve any dispute concerning the identification of a particular station as a specialty station. Nevertheless, the Office has considered MPAA's arguments and rejects its contention that Section 411(b)(1) provides any basis for the Register to make these determinations. Contrary to MPAA's claims, there is no statutory authority under this provision for the Register to make any substantive determinations with regard to specialty station status.

In 2008, Congress passed the Prioritizing Resources and Organization for Intellectual Property Act, Public Law 110-403, which *inter alia* added a new paragraph 411(b) to ensure that no court holds a registration certificate invalid due to what it considers to be a misstatement on an application without first obtaining input from the Register as to whether the application was properly filed. The legislative history states that Congress adopted this amendment "to prevent intellectual property thieves from exploiting th[e] potential loophole" that would allow them to argue that "a mistake in the registration documents, such as checking the wrong box on the registration form, renders a registration invalid and thus forecloses the availability of statutory damages." H.Rep. No. 110-617, at 24 (2008).

The language of this provision is solely directed at registration. There are no words, phrases or terms that tie this provision in any way to Section 111, much less specialty stations. Nor does it convey any general authority on the Register to opine on the characterization of a station as a specialty station under a defunct FCC regulation. Rather, Section 411(b) is a narrowly crafted provision that provides a mechanism for the court to seek an opinion from the Register on the consequences of an error on the registration certificate under the Copyright Office's policies and practices.

The Office also rejects MPAA's suggestion that the Office adopt the principles of Section 411(b) to deny specialty station status based on the information provided in the affidavit. Whereas the Office's registration practices and policies provide a basis for the Office to advise the court on the significance of an error on the certificate, the same is not true with respect to the specialty station list. The

policies and procedures for creating this list are limited in scope and do not establish a process by which the Office can resolve the specialty station status of a particular station, regardless of the purported facts. Since the inception of this process, the Office has stated clearly that it would not play a role in determining the merits of a specialty station claim, noting that "it should not itself verify the specialty station status of particular stations." 54 FR 38466 (September 18, 1989). The Office has also commented that it periodically provides an updated annotated list so that "cable systems can make an informed decision as to whether MPAA or any other party might contest the system's carriage of a particular station on a specialty basis." 56 FR 61056 (November 29, 1991). In light of these policies and practices, there is no support for MPAA's contention that the Office can make determinations regarding the specialty status of a particular station under the principles underlying Section 411(b).

As noted above, the Office received affidavits from 63 broadcast stations for which the owner or licensee of the television station had filed the requested affidavit. Since the publication of the initial list, the Office received 24 additional affidavits, attesting to the specialty station status of the 24 identified stations. Because the Office received a substantial number of late filed affidavits, the Office found it necessary to seek input from the public regarding the asserted specialty station status of these particular stations and allow any interested party to file an objection to these newly listed stations. See 76 FR 69288 (November 8, 2011). No one filed any objections to the television stations listed in this most recent **Federal Register** publication. As such, these stations shall be duly listed here.

The final list of specialty stations, as identified in the affidavits and published herein, shall be applicable to accounting periods beginning on January 1, 2012. Licensing examiners shall refer to the final annotated list in examining a statement of account where a cable system operator claims specialty station status for a particular station. If a cable system operator claims specialty station status for a station not on the published final list, the examiner shall determine whether the owner of the station has filed an affidavit since publication of the list.

With regard to the treatment of contested specialty stations after this proceeding concludes, it is important to note that the Licensing Division examiners will look at these stations in

the same way they have done in the past. That is, if a cable operator claims specialty station status for a contested station on the list, the examiner will inform the operator by letter that a particular party objects to the "specialty station characterization." See 54 FR 38461, 38464 (September 18, 1989). The cable operator may then file an amended Statement of Account and recalculate royalties, if the operator so chooses.

Final Specialty Station List

CBAFT, Moncton, New Brunswick, Canada
 CBFT, Montreal, Quebec, Canada
 CBKFT, Regina, Saskatchewan, Canada
 CBLFT, Toronto, Ontario, Canada
 CBOFT, Ottawa, Ontario, Canada
 CBUFT, Vancouver, British Columbia, Canada
 CBVT, Quebec City, Quebec, Canada
 CBWFT, Winnipeg, Manitoba, Canada
 CBXFT, Edmonton, Alberta, Canada
 CHLT-TV, Sherbrooke, Quebec, Canada
 CIMT, Riviere-du-Loup, Quebec, Canada
 CJBR, Rimouski, Quebec, Canada
 CKSH, Sherbrooke, Quebec, Canada
 CKTM, Trois-Rivieres, Quebec, Canada
 CKTV, Saguenay, Quebec, Canada
 K24IC-D, Bellingham, WA
 KAZA-DTV, Avalon, CA
 KBBC-TV, Bishop, CA
 KBCB, Bellingham, WA
 KBFD-DT, Honolulu, HI
 KBKF-LP, San Jose, CA
 KCGI-CA, Cape Girardeau, MO
 KCSO-LD, Sacramento, CA
 KDBK-LP, Caliente, CA
 KEBK-LP, Bakersfield, CA
 KEFM-LP, Chico, CA
 KFIQ-LP, Lubbock, TX
 KFMP-LP, Lubbock, TX
 KHTV-LP, Los Angeles, CA
 KILA-LP, Cherry Valley, CA
 KMRZ-LP, Moreno Valley, CA
 KNET-CA, Los Angeles, CA
 KNLA-LP, Los Angeles, CA
 KNNN-LP, Redding, CA
 KRMV-LP, Walnut, CA
 KRPE-LP, Banning, CA
 KRVD-LP, Banning, CA
 KSCZ-LP, Greenfield, CA
 KSFV-CA, Los Angeles, CA
 KSGO-LP, Chico, CA
 KSXC-LP, S. Sioux City, NE
 KTSF, San Francisco, CA
 KWHY-TV, Los Angeles, CA
 KWTA-LP, Tucson, AZ
 W07DP-D35, Harrisburg, PA
 W14DFD-TV14, Ellitsburg, PA
 W16COD-TV16, Middleburg, PA
 W20CM, Port Jervis, NY
 W26DB, Port Jervis, NY
 W29CO-TV29, Sharon, PA
 W34DI, Port Jervis, NY
 W42CX, Port Jervis, NY
 W45BT-TV45, Brookville, PA
 W46DQ, Port Jervis, NY
 W46EJ-D21, Clarksburg, WV
 W49DK, Port Jervis, NY
 W52DW, Port Jervis, NY
 W59EA, Port Jervis, NY
 WAQP, Saginaw, MI
 WBNF-CA, Buffalo, NY

WBPA-LP, Pittsburgh, PA
 WBQD-LP, Davenport, IA
 WCHU-LP, Chicago, IL
 WDWO-CA, Detroit, MI
 WDYR-CA, Dyersburg, TN
 WHCT-LP, Hartford/Springfield, CT
 WINM, Angola, IN
 WKBS-TV47, Altoona, PA
 WLFM-LP, Chicago, IL
 WLJC-TV, Beattyville, KY
 WLXI, Greensboro, NC
 WMBC-TV, Newton, NJ
 WNJJ-LD, Paterson, NJ
 WNYA-CA, Kinderhook, NY
 WNYB, Jamestown, NY
 WPCB-TV40, Greensburg, PA
 WPRU-LP, Aguadilla, P.R.
 WRAY-TV, Wilson, NC
 WRLM, Canton, OH
 WSJP-LP, Aguadilla, P.R.
 WSJX-LP, Aguadilla, P.R.
 WTCT-Marion, IL
 WTLJ, Muskegon, MI
 WVXF(TV), Charlotte Amalie, USVI
 WXLI, Greensboro, NC
 WXOX-LP, Cleveland, OH
 XERV-TV, Reynosa, Tamaulipas, Mexico
 XHAB-TV, Matamoros, Tamaulipas, Mexico

Dated: March 21, 2012.

Maria A. Pallante,

Register of Copyrights.

[FR Doc. 2012-7430 Filed 3-27-12; 8:45 am]

BILLING CODE 1410-30-P

NUCLEAR REGULATORY COMMISSION

[NRC-2011-0025]

Administrative Guide for Verifying Compliance With Packaging Requirements for Shipment and Receipt of Radioactive Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a revision to Regulatory Guide 7.7, "Administrative Guide for Verifying Compliance with Packaging Requirements for Shipment and Receipt of Radioactive Material." This regulatory guide describes an approach the staff of the NRC considers acceptable for meeting the administrative requirements associated with the shipment and receipt of radioactive materials.

ADDRESSES: Please refer to Docket ID NRC-2011-0025 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, using the following methods:

- *Federal Rulemaking Web Site:* Go to <http://www.regulations.gov> and search

for Docket ID NRC-2011-0025. Address questions about NRC dockets to Carol Gallagher, telephone: (301) 492-3668; email Carol.Gallagher@nrc.gov.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1 (800) 397-4209 or 1 (301)-415-4737, or by emailing 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. Revision 1 of Regulatory Guide 7.7 is available in ADAMS under Accession No. ML112160407. The regulatory analysis may be found in ADAMS under Accession No. ML112160410. Public comments and the NRC staff response to them may be found in ADAMS under Accession No. ML112160411.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

- *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, MD 20852.

FOR FURTHER INFORMATION CONTACT: Bernard White, Office of Nuclear Material Safety and Safeguards, Division of Spent Fuel Storage and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 492-3303 or email: Bernard.White@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

This revision to Regulatory Guide 7.7 provides licensees and applicants with a method the NRC considers acceptable for meeting the administrative requirements for transporting licensed

material under 10 CFR part 71, "Packaging and Transportation of Radioactive Material" either in a Type B or a Type AF package and receipt, and for opening of the package under 10 CFR Part 20, "Standards for Protection Against Radiation." The NRC's administrative requirements for the shipment, receipt, and opening of a Type B package appear in Subpart J, "Precautionary Procedures" of 10 CFR part 20 and subpart G, "Operating Controls and Procedures," of 10 CFR part 71.

The staff developed and published this guidance to provide licensees with an acceptable method to satisfy the administrative requirements in 10 CFR part 20 and part 71 for transferring, shipping, and receiving radioactive material.

II. Further Information

Revision 1 of Regulatory Guide 7.7 was issued with a temporary identification as Draft Regulatory Guide, DG-7007. Draft Regulatory Guide, DG-7007, was published in the **Federal Register** on January 28, 2011 (76 FR 5215) for a 60 days public comment period. The public comment period closed on March 30, 2011. The NRC staff's responses to the public comments on DG-7007 are available under ADAMS Accession Number ML112160411.

Dated at Rockville, Maryland, this 19th day of March, 2011.

For the Nuclear Regulatory Commission.

Richard Jervey,

Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2012-7438 Filed 3-27-12; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2010-0305]

Availability of Electric Power Sources

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing Revision 1 of Regulatory Guide (RG) 1.93, "Availability of Electric Power Sources." This guide describes actions the NRC staff considers acceptable when available electric power sources are less than the number of sources required by the limiting conditions for operations (LCOs) for the facility.

ADDRESSES: Please refer to Docket ID NRC-2010-0305 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 using the following methods:

- *Federal Rulemaking Web site*: Go to <http://www.regulations.gov> and search for Docket ID NRC-2010-0305. Address questions about NRC dockets to Carol Gallagher; telephone 301-492-3668; email: Carol.Gallagher@nrc.gov.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: Publicly available documents created or received at the NRC are available online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Document" 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 or 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 document is referenced. Revision 1 of Regulatory Guide 1.93 is available electronically under ADAMS Accession Number ML090550661. The regulatory analysis may be found in ADAMS under Accession Number ML101870610. Public Comments and the NRC staff response to them are summarized in a table that may be found in ADAMS under Accession Number ML090550693.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

- *NRC's Public Document Room (PDR)*: The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Sheila Ray, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-251-7644; email: Sheila.Ray@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the

NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The recommendations in this guide describe actions that the staff of the NRC considers acceptable when the number of available electric power sources are less than the number of sources required by the limiting conditions for operation (LCOs) for a facility. This regulatory guide applies to single- and multiple-unit plants and is consistent with the improved standard technical specifications (iSTS) (NUREG-1430 through NUREG-1434). The LCO-required actions and specified completion times referred to in this guide are based on the completion times presented in Regulatory Guide 1.93, Revision 0, "Availability of Electric Power Sources," issued December 1974, which have been incorporated into the required actions in the iSTS.

The recommendations described in this guide are an approach that the NRC staff finds acceptable for satisfying some of the requirements of General design criterion (GDC) 17, "Electric Power Systems," of Appendix A, "General Design Criteria for Nuclear Power Plants," to 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities."

II. Further Information

Revision 1 of RG 1.93 was issued with a temporary identification as Draft Regulatory Guide, DG-1244. DG-1244, was published in the **Federal Register** on September 24, 2010 (75 FR 5844) for a 60 day public comment period. The public comment period closed on November 26, 2010. The NRC staff's responses to the public comments on DG-1244 are available under ADAMS Accession Number ML090550693.

Dated at Rockville, Maryland, this 19th day of March, 2012.

For the Nuclear Regulatory Commission.

Richard Jervey,

Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2012-7437 Filed 3-27-12; 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 & Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies & Practices will hold a meeting on April 25, 2012, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The agenda for the subject meeting shall be as follows:

Wednesday, April 25, 2012—8:30 a.m. Until 5 p.m.

The Subcommittee will review the Draft NUREG Report on the State-of-the-Art Reactor Consequence Analyses (SOARCA) Project. 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), Dr. Hossein Nourbakhsh (Telephone 301-415-5622 or Email: Hossein.Nourbakhsh@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 64127-64128).

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 (240-888-9835) to be escorted to the meeting room.

Dated: March 19, 2012.

Antonio Dias,

Technical Advisor, Advisory Committee on Reactor Safeguards.

[FR Doc. 2012-7441 Filed 3-27-12; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2012-0002]

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Week of March 26, 2012.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Additional Items To Be Considered

Week of March 26, 2012

Friday, March 30, 2012

1:25 p.m. Affirmation Session (Public Meeting) (Tentative)

- a. *Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), Docket No. 50-293-LR (Tentative)
- b. *South Carolina Electric & Gas Co. and South Carolina Public Service Authority (Also Referred to as Santee Cooper)* (Virgil C. Summer Nuclear Station, Units 2 and 3), Docket Nos. 52-027-COL & 52-028-COL; Mandatory Hearing Decision (Tentative)

This meeting will be webcast live at the Web address: www.nrc.gov.

* * * * *

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Rochelle Bavol, (301) 415-1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet

at: www.nrc.gov/about-nrc/policy-making/schedule.html.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Bill Dosch, Chief, Work Life and Benefits Branch, at 301-415-6200, TDD: 301-415-2100, or by email at william.dosch@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969), or send an email to darlene.wright@nrc.gov.

Dated: March 23, 2012.

Kenneth Hart,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2012-7539 Filed 3-26-12; 11:15 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-338 and 50-339; NRC-2012-0075; License Nos. NPF-4 and NPF-7]

Virginia Electric and Power Company; Receipt of Request for Action

Notice is hereby given that by petition dated October 20, 2011, (U.S. Nuclear Regulatory Commission's (NRC's or the Commission's) Agencywide Documents Access and Management System (ADAMS) Accession No. ML11293A116); as supplemented by a letter dated November 2, 2011 (ADAMS Accession No. ML11308A027); and an email dated December 15, 2011 (ADAMS Accession No. ML12060A197); Paul Gunter, Kevin Kamps, Thomas Saporito, Paxus Calta, Alex Jack, Scott Price, John Cruickshank, Eleanor Amidon, Erika Kretzmer, Lovell King II, David Levy, Hilary Boyd, G. Paul Blundell, Erica Gray, Edmund Frost, and Richard Ball (the petitioners), request that the NRC take action with regard to Virginia Electric and Power Company's (the licensee's) North Anna Power Station, Units 1 and 2 (North Anna 1 and 2). The petitioners request

that the NRC suspend the operating licenses for North Anna 1 and 2, until the completion of a set of activities described in the petition.

As the basis for this request, the petitioners state several concerns which are summarized as follows:

(1) Prior to the approval of restart for North Anna 1 and 2, after the earthquake of August 23, 2011, the licensee should be required to obtain a license amendment from the NRC that reanalyzes and reevaluates the plant's design basis for earthquakes and for associated retrofits.

(2) Prior to the approval of restart for North Anna 1 and 2, after the earthquake of August 23, 2011, the licensee should be required to ensure that North Anna 1 and 2 are subjected to thorough inspections of the same level and rigor.

(3) The licensee should be required to reanalyze and requalify the adequacy and condition of the Lake Anna dam after the earthquake of August 23, 2011.

(4) The licensee should be required to reanalyze and reevaluate the North Anna Independent Spent Fuel Storage Installation (ISFSI) due to damage caused by the earthquake of August 23, 2011, and ensure that no threat is posed to public health and safety by its operation.

(5) The licensee should ensure the reliability and accuracy of the seismic instrumentation at North Anna 1 and 2.

(6) The NRC staff made hasty decisions about the restart of North Anna 1 and 2, and gave priority to economic considerations. The long-term action plan was not even complete before the NRC gave authorization to restart.

(7) Regulatory commitments are an inadequate regulatory tool for ensuring that the critical long-term tasks identified in the NRC staff's confirmatory action letter (CAL) dated November 11, 2011 (ADAMS Accession No. ML11311A201), are completed.

(8) The NRC should provide greater access to certain documents concerning North Anna 1 and 2, which are stored at the University of Virginia.

(9) The licensee needs to address the possibility of both boildown and rapid draindown events at the North Anna 1 and 2, spent fuel pool.

(10) The long-term storage of spent fuel in the spent fuel pool at North Anna 1 and 2, and at the North Anna ISFSI poses challenges to the public health and safety.

(11) "Hardened on-site storage" strategies for spent fuel should be used at North Anna 1 and 2.

(12) Concerns exist about age-related degradation at North Anna 1 and 2.

(13) Concerns exist about the response of North Anna 1 and 2, to a prolonged station blackout.

(14) The current emergency evacuation plans for North Anna 1 and 2, need to be revised to reflect the possible need to evacuate a larger area than that identified in the current emergency planning zone.

(15) Concerns exist about damage to the structural integrity of the spent fuel pool structure at North Anna 1 and 2, as represented on pages 41 and 42 of the NRC staff's technical evaluation for the restart of North Anna 1 and 2, dated November 11, 2011 (ADAMS Accession No. ML11308B406).

(16) There are concerns about lack of compliance at North Anna 1 and 2, with a public law requiring storage of potassium iodide in areas surrounding a nuclear reactor.

The request is being treated pursuant to Title 10 of the Code of Federal Regulations (10 CFR), Section 2.206, "Requests for action under this subpart," of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioners met with the NRR petition review board on December 12, 2011 (corrected transcript at ADAMS Accession No. ML12033A025), and February 2, 2012 (corrected transcript at ADAMS Accession No. ML12047A240), to discuss the petition. The results of these discussions were considered in the board's final determination to partially accept the petition for review, as communicated to the petitioners by letter from Eric J. Leeds, Director, Office of Nuclear Reactor Regulation, dated March 16, 2012 (ADAMS Accession No. ML12060A090), and in establishing the review schedule.

A copy of the petition is available for inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are available online through ADAMS 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 PDR reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.Resource@nrc.gov.

Dated at Rockville, Maryland, this 16th day of March 2012.

For the Nuclear Regulatory Commission.
Eric J. Leeds,
 Director, Office of Nuclear Reactor
 Regulation.
 [FR Doc. 2012-7434 Filed 3-27-12; 8:45 am]
 BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66642; File No. SR-
 NYSEArca-2012-19]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Amend Commentary .01 to NYSE Arca Rule 6.35

March 22, 2012.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on March 9, 2012, NYSE Arca, Inc. (the “Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to propose to [sic] amend Commentary .01 to NYSE Arca Rule 6.35. The text of the proposed rule change is available at the Exchange, the Commission’s Public Reference Room, and www.nyse.com.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .01 to NYSE Arca Rule 6.35 to allow certain cross trades effected on the Trading Floor to count toward the Market Maker’s appointment trading requirement and to make non-substantive changes to NYSE Arca Rules 6.35, 6.37, 6.84, and 10.12.

Under NYSE Arca Rule 6.35, a Market maker is required to effect at least 75% of its trading activity (measured in terms of contract volume per quarter) in classes within the Market Maker’s appointment. Commentary .01 to NYSE Arca Rule 6.35 clarifies that a Market Maker’s trades effected on the Trading Floor to accommodate cross trades executed pursuant to NYSE Arca Rule 6.47 do not count for or against the Market Maker’s 75% requirement, regardless of whether the trades are in issues within or without the Market Maker’s appointment.

The Exchange is proposing to amend Commentary .01 to NYSE Arca Rule 6.35 to allow a Market Maker’s trades effected on the Trading Floor to accommodate cross trades executed pursuant to NYSE Arca Rule 6.47 to count toward the Market Maker’s 75% requirement, regardless of whether the trades are in issues within or without the Market Maker’s appointment.

Transactions of a Market Maker should constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market.⁴ Market Makers located on the Trading Floor, when trading in option classes other than those to which they are appointed, must continue to fulfill Market Maker obligations for that class as if they were appointed to such class. In addition, when present anywhere on the Options Trading Floor, with regard to all securities traded on the Trading Floor, not just those to which they are appointed, Market Makers may be required to undertake the general obligations of a Market Maker at any time in response to a demand from a Trading Official.⁵ The Exchange believes that a Market Maker engaging in such trading is fulfilling Market Maker obligations in addition to providing liquidity to the market and the opportunity for price improvement, and it is appropriate to encourage such

activity by counting it toward the 75% requirement.

In addition, the Exchange notes that the proposed rule change is similar to NYSE Amex LLC Options Rule 923NY(i), which permits all floor trades executed by Floor Market Makers [sic] a designated Trading Zone, not just those to which they hold an appointment, to count toward the Market Maker’s 75% requirement. While NYSE Arca Market Makers are not appointed to a designated Trading Zone, they are subject to certain Market Maker obligations in all classes of options while located on the Trading Floor. As such, NYSE Arca believes that counting all floor trades, executed to accommodate cross transactions, is consistent with the application of NYSE Amex Rule 923NY(i) when calculating compliance with the 75% “in appointment” requirement.

NYSE Arca is also proposing non-substantive changes to NYSE Arca Rules 6.35, 6.37, 6.84, and 10.12. The Exchange proposes to replace the term “Primary Appointment” which is not a defined term with the word “appointment” as it is used elsewhere in NYSE Arca Rule 6.35.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5),⁷ in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, the proposed rule change will remove impediments to and perfect the mechanism of a free and open market by providing an appropriate incentive for Market Makers to provide greater liquidity and the opportunity for price improvement on the Trading Floor, thereby benefiting all market participants.

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

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See e.g., NYSE Arca Rule 6.37(a).

⁵ See e.g., NYSE Arca Rule 6.37(c).

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(5).

necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEArca-2012-19 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-NYSEArca-2012-19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2012-19 and should be submitted on or before April 18, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012-7382 Filed 3-27-12; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66643; File No. SR-EDGA-2012-10]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Period of the Inbound Router, as Described in EDGA Rule 2.12(b)

March 22, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4² thereunder, notice is hereby given that on March 16, 2012, EDGA Exchange, Inc. ("Exchange" or "EDGA") 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.

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot period of the Exchange's inbound router, as described in Rule 2.12(b), so that the Exchange can receive inbound routes of equities orders through DE Route, the Exchange's routing broker dealer, from EDGX Exchange, Inc. ("EDGX"). The text of the proposed rule change is available on the Exchange's Web site at www.directedge.com, at the Exchange's principal office, and at the Public Reference Room of the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, Direct Edge ECN, LLC d/b/a DE Route ("DE Route") is the approved outbound order routing facility of EDGX.³ The Exchange has been approved to receive inbound routes of equities orders by DE Route from EDGX. The Exchange's authority to receive inbound routes of equities orders by DE Route from EDGX is subject to a pilot period of twelve months, ending June 30, 2012.

The pilot period initially expired on July 1, 2011 and was extended once through June 30, 2012.⁴ The Exchange now hereby seeks to extend the previously approved pilot period (with the attendant obligations and conditions outlined in the Commission's Approval Order) for an additional twelve months, through June 30, 2013. This is reflected

³ See Securities Exchange Act Release No. 61698 (March 12, 2010), 75 FR 13151 (March 18, 2010) (hereinafter referred to as the "Commission's Approval Order").

⁴ Securities Exchange Act Release No. 64362 (April 28, 2011), 76 FR 25386 (May 4, 2011) (SR-EDGA-2011-13).

in the proposed amendment to EDGA Rule 2.12(b).

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act,⁵ which requires the rules of an exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. Specifically, the proposed rule change will allow the Exchange to continue receiving inbound routes of equities orders from DE Route acting in its capacity as a facility of EDGX, in a manner consistent with prior approvals and established protections. The Exchange believes that extending the previously approved pilot period for twelve months will permit both the Exchange and the Commission to further assess the impact of the Exchange's authority to receive direct inbound routes of equities orders via DE Route, including the attendant obligations and conditions.

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁶ and Rule 19b-4(f)(6) thereunder.⁷

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-EDGA-2012-10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-EDGA-2012-10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the

to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-EDGA-2012-10 and should be submitted on or before April 18, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2012-7383 Filed 3-27-12; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66644; File No. SR-EDGX-2012-09]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Period of the Inbound Router, as Described in EDGX Rule 2.12(b)

March 22, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4² thereunder, notice is hereby given that on March 16, 2012, EDGX Exchange, Inc. ("Exchange" or "EDGX") 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 proposes to extend the pilot period of the Exchange's inbound router, as described in Rule 2.12(b), so that the Exchange can receive inbound routes of equities orders through DE Route, the Exchange's routing broker dealer, from EDGA Exchange, Inc. ("EDGA"). The text of the proposed rule change is available on the Exchange's Web site at www.directedge.com, at the Exchange's principal office, and at the Public Reference Room of the Commission.

⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁵ 15 U.S.C. 78f(b)(5).

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent

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 self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, Direct Edge ECN, LLC d/b/a DE Route ("DE Route") is the approved outbound order routing facility of EDGA.³ The Exchange has been approved to receive inbound routes of equities orders by DE Route from EDGA. The Exchange's authority to receive inbound routes of equities orders by DE Route from EDGA is subject to a pilot period of twelve months, ending June 30, 2012.

The pilot period initially expired on July 1, 2011 and was extended once through June 30, 2012.⁴ The Exchange now hereby seeks to extend the previously approved pilot period (with the attendant obligations and conditions outlined in the Commission's Approval Order) for an additional twelve months, through June 30, 2013. This is reflected in the proposed amendment to EDGX Rule 2.12(b).

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act,⁵ which requires the rules of an exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. Specifically, the proposed rule change will allow the

Exchange to continue receiving inbound routes of equities orders from DE Route acting in its capacity as a facility of EDGA, in a manner consistent with prior approvals and established protections. The Exchange believes that extending the previously approved pilot period for an additional twelve months will permit both the Exchange and the Commission to further assess the impact of the Exchange's authority to receive direct inbound routes of equities orders via DE Route, including the attendant obligations and conditions.

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

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁶ and Rule 19b-4(f)(6) thereunder.⁷

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,

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(6)(iii). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-EDGX-2012-09 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-EDGX-2012-09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-EDGX-2012-09 and should be submitted on or before April 18, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Kevin M. O'Neill,
Deputy Secretary.

[FR Doc. 2012-7384 Filed 3-27-12; 8:45 am]

BILLING CODE 8011-01-P

³ See Securities Exchange Act Release No. 61698 (March 12, 2010), 75 FR 13151 (March 18, 2010) (hereinafter referred to as the "Commission's Approval Order").

⁴ Securities Exchange Act Release No. 64361 (April 28, 2011), 76 FR 25388 (May 4, 2011) (SR-EDGX-2011-12).

⁵ 15 U.S.C. 78f(b)(5).

⁸ 17 CFR 200.30-3(a)(12).

TENNESSEE VALLEY AUTHORITY**Meeting of the Regional Resource Stewardship Council**

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The TVA Regional Resource Stewardship Council (RRSC) will hold a meeting on Thursday, April 19, and Friday, April 20, 2012, to consider various matters.

The RRSC was established to advise TVA on its natural resource stewardship activities. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

The meeting agenda includes the following:

1. Introductions
2. Updates regarding TVA's Natural Resource Plan implementation and its River Operations essential stewardship functions, including management of the river system, dam safety, navigation, and flood control
3. Presentation(s) concerning TVA's stewardship partnership strategy
4. Public Comments
5. Council Discussion and Advice

The RRSC will hear opinions and views of citizens by providing a public comment session. The public comment session will be held at 9:30 a.m., EDT, on Friday, April 20. Persons wishing to speak are requested to register at the door by 8:30 a.m. on Friday, April 20 and will be called on during the public comment period. Handout materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT-11 B, Knoxville, Tennessee 37902.

DATES: The meeting will be held on Thursday, April 19 from 8 a.m. to 11:45 a.m., and Friday, April 20, from 8 a.m. to noon, EDT.

ADDRESSES: The meeting will be held at the Chattanooga Hotel, 1201 South Broad Street, Chattanooga, Tennessee 37402-2708 and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Beth Keel, 400 West Summit Hill Drive, WT-11 B, Knoxville, Tennessee 37902, (865) 632-6113.

Dated: March 21, 2012.

Bruce S. Schofield,

Vice President, Land & Shoreline Management, Tennessee Valley Authority.

[FR Doc. 2012-7371 Filed 3-27-12; 8:45 am]

BILLING CODE 8120-08-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary of Transportation****Department of Transportation Final Environmental Justice Strategy**

AGENCY: Office of the Secretary of Transportation, DOT.

ACTION: Notice.

SUMMARY: The Department of Transportation is issuing a revised environmental justice strategy, which sets forth DOT's commitment to identifying and addressing disproportionately high and adverse human health and environmental effects of agency policies and activities on minority and low-income populations. This strategy is published as a final document; however, it is a revision of a previous version published in 1995, and may be adjusted periodically in the future to reflect new insights acquired through implementation and changing social and technological conditions.

The strategy has been revised in response to an interagency Memorandum of Understanding on Environmental Justice (EJ MOU), confirming the importance of addressing environmental justice considerations in agency programs, policies, and activities. The strategy identifies actions the Department intends to take to implement Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", signed by President Clinton on February 11, 1994. This Executive Order directs agencies to identify and address disproportionately high and adverse impacts on minority and low-income populations with respect to human health and environment. The EJ MOU acknowledges the continued importance of EJ and participating Federal agencies pledged to review and update existing EJ strategies. This updated EJ strategy reflects DOT's continued commitment to EJ principles and to integrating those principles into DOT programs, policies, and activities.

The revised strategy is publicly available on the DOT Web site at: <http://www.fhwa.dot.gov/environment/>

environmental_justice/ej_at_dot/dot_ej_strategy/.

FOR FURTHER INFORMATION CONTACT:

Rebecca Higgins, Office of Safety, Energy, and Environment, Office of the Assistant Secretary for Transportation Policy, telephone (202) 366-7098, or EJ@dot.gov, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington DC 20590.

Issued in Washington, DC, on the 2nd day of March 2012.

Ray LaHood,

Secretary, Department of Transportation.

[FR Doc. 2012-7296 Filed 3-27-12; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration**

[Docket No. FHWA-2012-0023]

Agency Information Collection Activities: Notice of Request for Approval of a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for approval of a new information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval of a new information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 29, 2012.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2012-0023 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

Hand Delivery or Courier: 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. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Karen Scurry, (609) 637-4207 or karen.scurry@dot.gov or ben.gibbon@dot.gov, Office of Administration, Federal Highway Administration, Department of Transportation, 840 Bear Tavern Road, West Trenton, NJ 08628, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Assessment and Delivery of Safety Funding at the Local Level.

Type of request: New information collection requirement.

Background: The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), 23 U.S.C. 148, established the Highway Safety Improvement Program (HSIP) as a core Federal-aid Highway Program. The overall purpose of this program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads through the implementation of infrastructure-related highway safety improvements. Using Federal and State funds to assist local agencies in improving safety on local roads is critical for reducing fatalities and serious injuries. However, State and local agencies face many challenges and barriers when identifying, prioritizing, developing, and implementing safety projects on local roads.

The requested information collection, in the form of an on-line survey tool, will be used to evaluate the extent, practices and processes State Departments of Transportation (DOTs) use to deliver or apply safety funding resources to local agencies for road safety improvement projects. The survey will also help identify challenges and barriers State DOTs and local agencies face when developing and implementing local road safety projects.

Survey respondents will be asked to provide information about training, technical support, and human resources provided to, or on behalf of local agencies, to assist in the identification, analysis, development, evaluation, and implementation of local road safety improvement projects. Respondents will also be asked to identify any challenges or barriers States and local agencies face when attempting to provide funding and other resources for local road safety projects.

Certain survey respondents will also be asked to provide feedback on Federal or State fiscal year expenditures applied to local road safety improvement projects over a three-year period and any methodologies used to identify a specific dollar amount or percentage of funds set aside for local road safety improvement projects.

The information will allow FHWA to assess the extent to which states are providing funds to local agencies for safety projects and to identify human resources and technical assistance states need in order to overcome barriers and challenges to developing and implementing local road safety improvement projects.

The survey will also help FHWA identify noteworthy practices that can be implemented in other States, with the ultimate goal of improving highway safety outcomes across the Nation.

Respondents: State DOTs.

Frequency: One time.

Estimated Average Burden per Response: Approximately 5 hours.

Estimated Total Annual Burden Hours: The total burden for this collection would be approximately 250 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 21, 2012.

Juli Huynh,

Chief, Management Programs and Analysis Division.

[FR Doc. 2012-7366 Filed 3-27-12; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[U.S. DOT Docket Number NHTSA-2012-0033]

Proposed Information Collection; Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before May 29, 2012.

ADDRESSES: Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. Please identify the proposed collection of information before a comment is provided, by referencing its OMB Clearance Number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 9 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Sean H. McLaurin, NHTSA, 1200 New Jersey Avenue SE., Room W55-336, NVS-420, Washington, DC 20590. Mr. McLaurin's telephone number is (202) 366-4800. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has regulations describing what must be included in such a document. Under OMB's regulation (at 5CFR 1320.8(d)), an agency must ask for public comment on the following:

(i.) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii.) The accuracy the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii.) How to enhance the quality, utility, and clarity of the information to be collected;

(iv.) How to minimize the burden of the collection of information on those who are to respond including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: Extension of Clearance.

OMB Control Number: 2127-0001.

Affected Public: State, Local, or Tribal Government.

Form Number: This collection of information uses no standard form.

Abstract: The purpose of the NDR is to assist States and other authorized users in obtaining information about problem drivers. State motor vehicle agencies submit and use the information for driver licensing purposes. Other users obtain the information for transportation safety purposes.

Estimated Annual Burden: 2,847 hours.

Number of Respondents: The number of respondents is 51—the 50 States and the District of Columbia.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondent, including the use of automated collection techniques or other forms of information technology.

Issued on March 22, 2012.

Terry Shelton,

Associate Administrator for the National Center for Statistics and Analysis.

[FR Doc. 2012-7347 Filed 3-27-12; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35608]

North Louisiana & Arkansas Railroad, Inc.—Lease and Operation Exemption—Line of Southeastern Arkansas Economic Development District

North Louisiana & Arkansas Railroad, Inc. (NLA), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease from Southeastern Arkansas Economic Development District (SAEDD), a noncarrier political subdivision of the State of Arkansas, and to operate, a 21.8-mile line of railroad extending between milepost 433.0 at or near Lake Village in Chicot County, Ark., and milepost 454.8 at or near the Louisiana/Arkansas border.

NLA states that, at the present time, the 21.8-mile line is impassable, but once Board authorization of the lease has been obtained and rehabilitation of the line has been completed, it will commence operations. NLA also states that it will interchange traffic with the Union Pacific Railroad Company, Arkansas Midland Railroad Company and Delta Southern Railroad.

According to NLA, the initial term of the lease agreement shall be for a 20-year period, beginning on the effective date of the Board's decision that approves the proposed transaction. NLA states that the lease does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier. NLA has included a copy of the lease agreement as part of its filing.

The earliest the transaction can be consummated is April 11, 2012, the effective date of the exemption (30 days after the exemption was filed).

NLA certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier. NLA further certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than April 4, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD

35608, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Richard H. Streeter, Law Office of Richard H. Streeter, 5255 Partridge Lane NW., Washington, DC 20016.

Board decisions and notices are available on our Web site at "www.stb.dot.gov."

Decided: March 23, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,
Clearance Clerk.

[FR Doc. 2012-7432 Filed 3-27-12; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35597]

Nittany & Bald Eagle Railroad Company—Temporary Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NSR), pursuant to a written trackage rights agreement dated February 3, 2012, has agreed to grant nonexclusive overhead temporary trackage rights to Nittany & Bald Eagle Railroad Company (N&BE), between Lock Haven, Pa. (milepost BR 194.2) and Driftwood, Pa. (milepost BR 139.2), a distance of approximately 55 miles.¹

The transaction may be consummated on or after April 11, 2012, and the temporary trackage rights are scheduled to expire on December 30, 2012. The purpose of the temporary trackage rights is to allow N&BE to operate bridge train service for temporary, seasonal traffic originating on the N&BE for delivery to an off-line destination.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Railway—Trackage Rights—Burlington Northern, Inc.*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease and Operate—California Western Railroad*, 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set

¹ A redacted, executed trackage rights agreement between NSR and N&BE was filed with the notice of exemption. The unredacted version was concurrently filed under seal along with a motion for protective order, which will be addressed in a separate decision.

out in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than April 4, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35597, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Richard R. Wilson, 518 N. Center Street, Suite 1, Ebensburg, PA 15931.

Board decisions and notices are available on our Web site at "WWW.STB.DOT.GOV."

Decided: March 22, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,
Clearance Clerk.

[FR Doc. 2012-7378 Filed 3-27-12; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 23, 2012.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

DATES: Comments should be received on or before April 27, 2012 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.GOV and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite

11020, Washington, DC 20220, or on-line at www.PRACOMMENT.GOV.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927-5331, email at PRA@treasury.gov, or the entire information collection request may be found at www.reginfo.gov.

Internal Revenue Service (IRS)

OMB Number: 1545-0013.

Type of Review: Extension without change of a currently approved collection.

Title: Notice Concerning Fiduciary Relationship.

Form: 56.

Abstract: Form 56 is used to inform the IRS that a person is acting for another person in a fiduciary capacity so that the IRS may mail tax notices to the fiduciary concerning the person for whom he/she is acting. The data is used to ensure that the fiduciary relationship is established or terminated and to mail or discontinue mailing designated tax notices to the fiduciary.

Affected Public: Private Sector; Businesses or other for-profits.

Estimated Total Burden Hours: 292,800.

OMB Number: 1545-0913.

Type of Review: Extension without change of a currently approved collection.

Title: Below-Market Loans, LR-165-84.

Abstract: Section 7872 re-characterizes a below-market loan as a market rate loan and an additional transfer by the lender to the borrower equal to the amount of imputed interest. The regulation requires both the lender and the borrower to attach a statement to their respective income tax returns for years in which they have either imputed income or claim imputed deductions under section 7872.

Affected Public: Private Sector; Businesses or other for-profits.

Estimated Total Burden Hours: 481,722.

OMB Number: 1545-1041.

Type of Review: Extension without change of a currently approved collection.

Title: TD 8316, Cooperative Housing Corporations.

Abstract: This document contains amendments to the Income Tax Regulations under section 216 of the Internal Revenue Code of 1986, relating to cooperative housing corporations. Section 216 of the Code was amended by the Tax Reform Act of 1986. The regulations provide cooperative housing corporations and tenant-stockholders with guidance needed to comply with the law.

Affected Public: Private Sector; Businesses or other for-profits.

Estimated Total Burden Hours: 625.

OMB Number: 1545-1353.

Type of Review: Extension without change of a currently approved collection.

Title: TD 8517, Debt Instruments with Original Discount; Imputed Interest on Deferred Payment Sales or Exchanges of Property.

Abstract: This document contains final regulations relating to the tax treatment of debt instruments with original issue discount and the imputation of interest on deferred payments under certain contracts for the sale or exchange of property. The final regulations provide needed guidance to holders and issuers of debt instruments with original issue discount and to buyers and sellers of property.

Affected Public: Private Sector; Businesses or other for-profits.

Estimated Total Burden Hours: 185,500.

OMB Number: 1545-1417.

Type of Review: Extension without change of a currently approved collection.

Title: Indian Employment Credit.

Form: 8845.

Abstract: Employers can claim a credit for hiring American Indians or their spouses to work within an Indian reservation. The credit is figured by multiplying by 20% the increase in wages and health insurance costs over the comparable amount paid or incurred during calendar year 1993.

Affected Public: Private Sector; Businesses or other for-profits.

Estimated Total Burden Hours: 4,332.

OMB Number: 1545-1466.

Type of Review: Extension without change of a currently approved collection.

Title: Third-Party Disclosure Requirements in the IRS Regulations.

Abstract: This submission contains third-party disclosure regulations subject to the Paperwork Reduction Act of 1995.

Affected Public: Private Sector; Businesses or other for-profits.

Estimated Total Burden Hours: 68,885,183.

OMB Number: 1545-1955.

Type of Review: Extension without change of a currently approved collection.

Title: Request to Revoke Partnership Level Tax Treatment Election.

Form: 8894.

Abstract: IRC section 6231(a)(1)(B)(ii) allows small partnerships to elect to be treated under the unified audit and litigation procedures. This election can only be revoked with the consent of the

IRS Form 8894 will provide a standardized format for small partnership to request this revocation and for the IRS to process it.

Affected Public: Private Sector; Businesses or other for-profits.

Estimated Total Burden Hours: 186.

OMB Number: 1545-1962.

Type of Review: Extension without change of a currently approved collection.

Title: Notice of Income Donated Intellectual Property.

Form: 8899.

Abstract: Form 8899 is filed by charitable organizations receiving donations of intellectual property if the donor provides a timely notice. The initial deduction is limited to the donor's basis; additional deductions are allowed to the extent of income from the property, reducing excessive deductions.

Affected Public: Private Sector; Businesses or other for-profits.

Estimated Total Burden Hours: 5,430.

OMB Number: 1545-2217.

Type of Review: Extension without change of a currently approved collection.

Title: Notice 2011-74, Vermont Low-Income Housing Credit Disaster Relief.

Abstract: The Internal Revenue Service is suspending certain requirements under § 42 of the Internal Revenue Code for low-income housing credit projects in Vermont to provide temporary emergency housing relief needed as a result of the devastation caused by Tropical Storm Irene in Vermont beginning on August 27, 2011. The Agency will determine the appropriate period of temporary housing for each project, not to extend beyond September 30, 2012 (temporary housing period).

Affected Public: Individuals or Households.

Estimated Total Burden Hours: 150.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2012-7423 Filed 3-27-12; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds; Change in Business Address and Redomestication; First National Insurance Company of America (NAIC #24724); General Insurance Company of America (NAIC #24732); SAFECO Insurance Company of America (NAIC #24740)

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 15 to the Treasury Department Circular 570, 2011 Revision, published July 1, 2011, at 76 FR 38892.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874-6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given by the Treasury that the above-named companies formally changed their "BUSINESS ADDRESS" to "62 Maple Avenue, Keene, NH 03431" effective immediately. In addition, the above named companies have redomesticated from the state of Washington to the state of New Hampshire effective January 13, 2012. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 ("Circular"), 2011 Revision, to reflect these changes.

The Circular may be viewed and downloaded through the Internet at <http://www.fms.treas.gov/c570>.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: March 18, 2012.

Laura Carrico,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 2012-7305 Filed 3-27-12; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds—Termination and Merger; Pioneer General Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 16 to the Treasury Department Circular 570, 2011 Revision, published July 1, 2011, at 76 FR 38892.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874-6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Certificate of Authority issued by the Treasury to the above-named company under 31 U.S.C. 9305 to qualify as acceptable surety on Federal bonds has been terminated. The above-named company merged with and into American Contractors Indemnity Company (NAIC #10216) effective December 31, 2011. The surviving corporation of the merger activity is American Contractors Indemnity Company (NAIC #10216), a California domiciled corporation. Federal bond-approving officers should annotate their reference copies of the Treasury Department Circular 570 ("Circular"), 2011 Revision, to reflect this change.

In the event bond-approving officers have questions relating to bonds issued by the above-named company, they should contact American Contractors Indemnity Company at (310) 649-0990.

The Circular may be viewed and downloaded through the Internet at www.fms.treas.gov/c570.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F01, Hyattsville, MD 20782.

Dated: March 9, 2012.

Laura Carrico,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 2012-7304 Filed 3-27-12; 8:45 am]

BILLING CODE 4810-35-M

INSTITUTE OF PEACE

Announcement of the Fall 2012 Annual Grant Competition for Immediate Release

AGENCY: United States Institute of Peace.
ACTION: Notice.

SUMMARY: The Agency announces its Annual Grant Competition, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution. The Annual Grant Competition is open to any project that falls within the Institute's broad mandate of international conflict resolution.

Deadline: October 1, 2012.

Online application available: <http://www.usip.org/grants-fellowships/annual-grant-competition>.

DATES: Submission of Application: October 1, 2012.

Notification Date: On or around March 31, 2013.

ADDRESSES: United States Institute of Peace, 2301 Constitution Avenue NW., Washington, DC 20037, (202) 429-3842 (phone), (202) 833-1018 (fax), (202) 457-1719 (TTY), Email: grants@usip.org.

FOR FURTHER INFORMATION CONTACT: The Grant Program • Annual Grant Competition Phone (202) 429-3842, Email: grants@usip.org.

Dated: March 22, 2012.

Michael Graham,

Senior Vice President for Management.

[FR Doc. 2012-7319 Filed 3-27-12; 8:45 am]

BILLING CODE 6820-AR-M

INSTITUTE OF PEACE

Announcement of the Priority Grant Competition for Immediate Release

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its ongoing Priority Grant Competition. The Priority Grant Competition focuses on countries and themes as they relate to USIP's mandate. The Priority Grant Competition is restricted to projects that fit the topics identified for each priority area.

The Priority Grant Competition focuses on four countries and two themes.

- Afghanistan
- Iraq
- Pakistan
- Sudan
- Communication for Peacebuilding—Participatory Digital Mapping, Local Media, and Community Engagement
- Arab World Political Transformation

The specific topics for each priority area may be found at our web site at:

<http://www.usip.org/grants-fellowships/priority-grant-competition>.

Deadline: The Priority Grant Competition applications are accepted throughout the year and awards are announced throughout the year. Please visit our web site at: <http://www.usip.org/grants-fellowships/priority-grant-competition> for specific information on the competition as well as instructions about how to apply.

ADDRESSES: If you are unable to access our Web site, you may submit an inquiry to: United States Institute of Peace, Grant Program • Priority Grant Competition, 2301 Constitution Avenue NW., Washington, DC 20037, (202) 429-3842 (phone), (202) 833-1018 (fax), (202) 457-1719 (TTY), Email: grants@usip.org.

FOR FURTHER INFORMATION CONTACT: The Grant Program, Phone (202) 429-3842, Email: grants@usip.org.

Dated: March 22, 2012.

Michael Graham,

Senior Vice President for Management.

[FR Doc. 2012-7318 Filed 3-27-12; 8:45 am]

BILLING CODE 6820-AR-M



FEDERAL REGISTER

Vol. 77

Wednesday,

No. 60

March 28, 2012

Part II

The President

Executive Order 13604—Improving Performance of Federal Permitting and Review of Infrastructure Projects

Memorandum of March 22, 2012—Expediting Review of Pipeline Projects From Cushing, Oklahoma, to Port Arthur, Texas, and Other Domestic Pipeline Infrastructure Projects

Proclamation 8786—Cesar Chavez Day, 2012

Proclamation 8787—Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2012

Presidential Documents

Title 3—

Executive Order 13604 of March 22, 2012

The President

Improving Performance of Federal Permitting and Review of Infrastructure Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to significantly reduce the aggregate time required to make decisions in the permitting and review of infrastructure projects by the Federal Government, while improving environmental and community outcomes, it is hereby ordered as follows:

Section 1. Policy. (a) To maintain our Nation's competitive edge and ensure an economy built to last, the United States must have fast, reliable, resilient, and environmentally sound means of moving people, goods, energy, and information. In a global economy, we will compete for the world's investments based in significant part on the quality of our infrastructure. Investing in the Nation's infrastructure provides immediate and long-term economic benefits for local communities and the Nation as a whole.

The quality of our Nation's infrastructure depends in critical part on Federal permitting and review processes, including planning, approval, and consultation processes. These processes inform decision-makers and affected communities about the potential benefits and impacts of proposed infrastructure projects, and ensure that projects are designed, built, and maintained in a manner that is consistent with protecting our public health, welfare, safety, national security, and environment. Reviews and approvals of infrastructure projects can be delayed due to many factors beyond the control of the Federal Government, such as poor project design, incomplete applications, uncertain funding, or multiple reviews and approvals by State, local, tribal, or other jurisdictions. Given these factors, it is critical that executive departments and agencies (agencies) take all steps within their authority, consistent with available resources, to execute Federal permitting and review processes with maximum efficiency and effectiveness, ensuring the health, safety, and security of communities and the environment while supporting vital economic growth.

To achieve that objective, our Federal permitting and review processes must provide a transparent, consistent, and predictable path for both project sponsors and affected communities. They must ensure that agencies set and adhere to timelines and schedules for completion of reviews, set clear permitting performance goals, and track progress against those goals. They must encourage early collaboration among agencies, project sponsors, and affected stakeholders in order to incorporate and address their interests and minimize delays. They must provide for transparency and accountability by utilizing cost-effective information technology to collect and disseminate information about individual projects and agency performance, so that the priorities and concerns of all our citizens are considered. They must rely upon early and active consultation with State, local, and tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent rather than sequential reviews. They must recognize the critical role project sponsors play in assuring the timely and cost-effective review of projects by providing complete information and analysis and by supporting, as appropriate, the costs associated with review. And, they must enable agencies to share priorities, work collaboratively and concurrently to advance reviews and permitting decisions, and facilitate the resolution of disputes at all levels of agency organization.

Each of these elements must be incorporated into routine agency practice to provide demonstrable improvements in the performance of Federal infrastructure permitting and review processes, including lower costs, more timely decisions, and a healthier and cleaner environment. Also, these elements must be integrated into project planning processes so that projects are designed appropriately to avoid, to the extent practicable, adverse impacts on public health, security, historic properties and other cultural resources, and the environment, and to minimize or mitigate impacts that may occur. Permitting and review process improvements that have proven effective must be expanded and institutionalized.

(b) In advancing this policy, this order expands upon efforts undertaken pursuant to Executive Order 13580 of July 12, 2011 (Interagency Working Group on Coordination of Domestic Energy Development and Permitting in Alaska), Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review), and my memorandum of August 31, 2011 (Speeding Infrastructure Development Through More Efficient and Effective Permitting and Environmental Review), as well as other ongoing efforts.

Sec. 2. *Steering Committee on Federal Infrastructure Permitting and Review Process Improvement.* There is established a Steering Committee on Federal Infrastructure Permitting and Review Process Improvement (Steering Committee), to be chaired by the Chief Performance Officer (CPO), in consultation with the Chair of the Council on Environmental Quality (CEQ).

(a) *Infrastructure Projects Covered by this Order.* The Steering Committee shall facilitate improvements in Federal permitting and review processes for infrastructure projects in sectors including surface transportation, aviation, ports and waterways, water resource projects, renewable energy generation, electricity transmission, broadband, pipelines, and other such sectors as determined by the Steering Committee.

(b) *Membership.* Each of the following agencies (Member Agencies) shall be represented on the Steering Committee by a Deputy Secretary or equivalent officer of the United States:

- (i) the Department of Defense;
- (ii) the Department of the Interior;
- (iii) the Department of Agriculture;
- (iv) the Department of Commerce;
- (v) the Department of Transportation;
- (vi) the Department of Energy;
- (vii) the Department of Homeland Security;
- (viii) the Environmental Protection Agency;
- (ix) the Advisory Council on Historic Preservation;
- (x) the Department of the Army; and
- (xi) such other agencies or offices as the CPO may invite to participate.

(c) *Projects of National or Regional Significance.* In furtherance of the policies of this order, the Member Agencies shall coordinate and consult with each other to select, submit to the CPO by April 30, 2012, and periodically update thereafter, a list of infrastructure projects of national or regional significance that will have their status tracked on the online Federal Infrastructure Projects Dashboard (Dashboard) created pursuant to my memorandum of August 31, 2011.

(d) *Responsibilities of the Steering Committee.* The Steering Committee shall:

- (i) develop a Federal Permitting and Review Performance Plan (Federal Plan), as described in section 3(a) of this order;
- (ii) implement the Federal Plan and coordinate resolution of disputes among Member Agencies relating to implementation of the Federal Plan; and

(iii) coordinate and consult with other agencies, offices, and interagency working groups as necessary, including the President's Management Council and Performance Improvement Councils, and, with regard to use and expansion of the Dashboard, the Chief Information Officer (CIO) and Chief Technology Officer to implement this order.

(e) *Duties of the CPO.* The CPO shall:

(i) in consultation with the Chair of CEQ and Member Agencies, issue guidance on the implementation of this order;

(ii) in consultation with Member Agencies, develop and track performance metrics for evaluating implementation of the Federal Plan and Agency Plans; and

(iii) by January 31, 2013, and annually thereafter, after input from interested agencies, evaluate and report to the President on the implementation of the Federal Plan and Agency Plans, and publish the report on the Dashboard.

(f) *No Involvement in Particular Permits or Projects.* Neither the Steering Committee, nor the CPO, may direct or coordinate agency decisions with respect to any particular permit or project.

Sec. 3. Plans for Measurable Performance Improvement. (a) By May 31, 2012, the Steering Committee shall, following coordination with Member Agencies and other interested agencies, develop and publish on the Dashboard a Federal Plan to significantly reduce the aggregate time required to make Federal permitting and review decisions on infrastructure projects while improving outcomes for communities and the environment. The Federal Plan shall include, but not be limited to, the following actions to implement the policies outlined in section 1 of this order, and shall reflect the agreement of any Member Agency with respect to requirements in the Federal Plan affecting such agency:

(i) institutionalizing best practices for: enhancing Federal, State, local, and tribal government coordination on permitting and review processes (such as conducting reviews concurrently rather than sequentially to the extent practicable); avoiding duplicative reviews; and engaging with stakeholders early in the permitting process;

(ii) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national and regional levels;

(iii) institutionalizing use of the Dashboard, working with the CIO to enhance the Dashboard, and utilizing other cost-effective information technology systems to share environmental and project-related information with the public, project sponsors, and permit reviewers; and

(iv) identifying timeframes and Member Agency responsibilities for the implementation of each proposed action.

(b) Each Member Agency shall:

(i) by June 30, 2012, submit to the CPO an Agency Plan identifying those permitting and review processes the Member Agency views as most critical to significantly reducing the aggregate time required to make permitting and review decisions on infrastructure projects while improving outcomes for communities and the environment, and describing specific and measurable actions the agency will take to improve these processes, including:

(1) performance metrics, including timelines or schedules for review;

(2) technological improvements, such as institutionalized use of the Dashboard and other information technology systems;

(3) other practices, such as pre-application procedures, early collaboration with other agencies, project sponsors, and affected stakeholders, and coordination with State, local, and tribal governments; and

(4) steps the Member Agency will take to implement the Federal Plan.

(ii) by July 31, 2012, following coordination with other Member Agencies and interested agencies, publish its Agency Plan on the Dashboard; and

(iii) by December 31, 2012, and every 6 months thereafter, report progress to the CPO on implementing its Agency Plan, as well as specific opportunities for additional improvements to its permitting and review procedures.

Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order shall be implemented consistent with Executive Order 13175 of November 6, 2000 (Consultation and Coordination with Indian Tribal Governments) and my memorandum of November 5, 2009 (Tribal Consultation).

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
March 22, 2012.

Presidential Documents

Memorandum of March 22, 2012

Expediting Review of Pipeline Projects From Cushing, Oklahoma, to Port Arthur, Texas, and Other Domestic Pipeline Infrastructure Projects

Memorandum for the Heads of Executive Departments and Agencies

In an economy that relies on oil, rising prices at the pump affect all of us. With crude oil prices controlling about three-quarters of gasoline prices, the most important driver of the price here at home is the world oil price—making our economy vulnerable to events halfway around the globe. There are no quick fixes to this problem. In the long run we need to reduce America's dependence on oil—which is why my Administration is implementing historic fuel economy standards for cars and trucks, launching new programs to improve energy efficiency in our buildings, and facilitating the safe and responsible development of our natural gas resources.

But for the foreseeable future, we will continue to rely on oil to help fuel our transportation system. As a result, we must safely and responsibly develop our oil resources here at home, as part of an all-of-the-above energy strategy to grow our economy and make us more secure.

Because of rising oil production, more efficient cars and trucks, and a world-class refining sector that last year was a net exporter of petroleum products for the first time in 60 years, we have cut net imports by a million barrels a day in the last year alone. By reducing our dependence on foreign oil, we will make our Nation more secure and improve our trade balance—creating jobs and supporting domestic industry.

In order to realize these potential benefits, we need an energy infrastructure system that can keep pace with advances in production. To promote American energy sources, we must not only extract oil—we must also be able to transport it to our world-class refineries, and ultimately to consumers.

The need for infrastructure is particularly acute right now. Because of advances in drilling technology that allow us to tap new oil deposits, we are producing more oil from unconventional sources—places like the Eagle Ford Shale in South Texas, where production grew by more than 200 percent last year, or the Bakken formation of North Dakota and Montana, where output has increased tenfold in the last 5 years alone. In States like North Dakota, Montana, and Colorado, rising production is outpacing the capacity of pipelines to deliver the oil to refineries.

Cushing, Oklahoma, is a prime example. There, in part due to rising domestic production, more oil is flowing in than can flow out, creating a bottleneck that is dampening incentives for new production while restricting oil from reaching state-of-the-art refineries on the Gulf Coast. Moving forward on a pipeline from Cushing to Port Arthur, Texas, could create jobs, promote American energy production, and ultimately benefit consumers.

Although expanding and modernizing our Nation's pipeline infrastructure will not lower prices right away, it is a vital part of a sustained strategy to continue to reduce our reliance on foreign oil and enhance our Nation's energy security. Therefore, as part of my Administration's broader efforts to improve the performance of Federal permitting and review processes, we must make pipeline infrastructure a priority, ensuring the health, safety, and security of communities and the environment while supporting projects

that can contribute to economic growth and a secure energy future. In doing so, the Federal Government must work in partnership with State, local, and tribal governments, which play a central role in the siting and permitting of pipelines; and, we must protect our natural resources and address the concerns of local communities.

Section 1. *Expedited Review of Pipeline Projects from Cushing to Port Arthur and Other Domestic Pipeline Infrastructure Projects.* (a) To address the existing bottleneck in Cushing, as well as other current or anticipated bottlenecks, agencies shall, to the maximum extent practicable and consistent with available resources and applicable laws (including those relating to public safety, public health, and environmental protection), coordinate and expedite their reviews, consultations, and other processes as necessary to expedite decisions related to domestic pipeline infrastructure projects that would contribute to a more efficient domestic pipeline system for the transportation of crude oil, such as a pipeline from Cushing to Port Arthur. This subsection shall be implemented consistent with my Executive Order of March 22, 2012 (Improving Performance of Federal Permitting and Review of Infrastructure Projects), and applicable projects shall have their status tracked on the online Federal Infrastructure Projects Dashboard referenced therein.

(b) In expediting reviews pursuant to subsection (a) of this section, agencies shall, to the maximum extent practicable and consistent with applicable law, utilize and incorporate information from prior environmental reviews and studies conducted in connection with previous applications for similar or overlapping infrastructure projects so as to avoid duplicating effort.

Sec. 2. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to a department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget related to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, appearing to be "S. M. Obama", written in a cursive style.

THE WHITE HOUSE,
Washington, March 22, 2012

[FR Doc. 2012-7638
Filed 3-27-12; 11:15 am]
Billing code 3110-01-P

Presidential Documents

Proclamation 8786 of March 23, 2012

Cesar Chavez Day, 2012

By the President of the United States of America

A Proclamation

One of our Nation's great civil rights leaders, Cesar Estrada Chavez came of age as a migrant farm worker, witnessing the injustice that pervaded fields and vineyards across California. Facing discrimination, poverty, and dangerous working conditions, laborers toiled for little pay and without access to even the most basic necessities. Yet amidst hardship and abuse, Cesar Chavez saw the promise of change—the unlimited potential of a community organized around a common purpose. Today, we celebrate his courage, reflect on his lifetime of advocacy, and recognize the power in each of us to lift up lives and pursue social justice.

Inspired by Mahatma Gandhi, Dr. Martin Luther King, Jr., and other visionary leaders, Cesar Chavez based his campaign on principles of nonviolence, which he called “the quality of the heart.” Through boycotts, fasts, strikes, and marches that demanded both endurance and imagination, he drew thousands together in support of “La Causa”—a mission to ensure respect, dignity, and fair treatment for farm workers. Alongside Dolores Huerta, he founded the United Farm Workers of America (UFW), an organization tasked with defending and empowering the men and women who feed the world.

As a tribute to Cesar Chavez's life and work, my Administration designated the Forty Acres site in Delano, California, as a National Historical Landmark last year, forever commemorating the birthplace of the UFW. In May 2011, the United States Navy named the *USNS Cesar Chavez* in recognition of his service during World War II. And this month, we honor ten Americans as Champions of Change for their commitment to realizing Cesar Chavez's dream of a more just tomorrow. Decades after his struggle began, Cesar Chavez's legacy lives on in all who draw inspiration from the values of service, determination, and community that ignited his movement.

On the 85th anniversary of Cesar Chavez's birth, we are reminded of what we can accomplish when we recognize our common humanity. He told us, “We cannot seek achievement for ourselves and forget about progress and prosperity for our community. Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.” As we honor his broad ambitions and expansive vision, let us pledge to stand forever on the side of equal opportunity and justice for all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 31, 2012, as Cesar Chavez Day. I call upon all Americans to observe this day with appropriate service, community, and education programs to honor Cesar Chavez's enduring legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord two thousand twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.

A handwritten signature in black ink, appearing to be "Barack Obama", written in a cursive style. The signature is positioned to the right of the text.

[FR Doc. 2012-7639

Filed 3-27-12; 11:15 am]

Billing code 3295-F2-P

Presidential Documents

Proclamation 8787 of March 23, 2012

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2012

By the President of the United States of America

A Proclamation

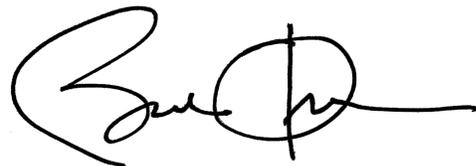
Two hundred and thirty-six years ago, a new American Nation was founded on an old Greek principle—democratic rule by a free people. We trace this enduring idea to ancient Hellas, where Greeks brought forth the world's first democracy and kindled a philosophical tradition that would stand the test of time. Over two millennia later, the Greek people rose up to reclaim their heritage as citizens of a sovereign nation. Today, on the 191st anniversary of Greece's independence, we commemorate that struggle to restore democracy in its birthplace, renew the bonds that bring our countries together, and celebrate the Hellenic ideals that continue to shape the American experience.

As America's Founders built a Government of the people, by the people, and for the people, they drew inspiration from the democratic pioneers who shaped a small group of ancient Greek city states. In the years since, Greece and America have strengthened that connection through shared history and deep partnerships between our people. During the American Civil War, Greek Americans served and fought to preserve our Union. Through two World Wars and a long Cold War, America and Greece stood as allies in the pursuit of peace. And for generations, Greek Americans have profoundly enriched our national life. They stand as leaders in every field and every part of our society, and their cultural legacy still echoes in classrooms, courtrooms, and communities across our Nation.

On Greek Independence Day, we commemorate the proud traditions that tie our nations together and honor all those who trace their lineage to the Hellenic Republic. Nearly 200 years after the Greek people won their war to return democracy to their homeland and become a sovereign state, we reaffirm the warm friendship and solidarity that will guide our work together in the years ahead.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 25, 2012, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon all the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord two thousand twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.

A handwritten signature in black ink, appearing to be Barack Obama's signature, consisting of a large 'B', a cursive 'a', and a stylized 'O' with a vertical line through it, followed by a horizontal stroke.

[FR Doc. 2012-7640
Filed 3-27-12; 11:15 am]
Billing code 3295-F2-P

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Federal Register

Vol. 77, No. 60

Wednesday, March 28, 2012

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S. 1134/P.L. 112-100
St. Croix River Crossing Project Authorization Act (Mar. 14, 2012; 126 Stat. 268)

S. 1710/P.L. 112-101
To designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse. (Mar. 14, 2012; 126 Stat. 270)
Last List March 15, 2012

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