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

WHO: Sponsored by the Office of the Federal Register.

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

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

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

WHEN: Tuesday, February 22, 2011
9 a.m.–12:30 p.m.

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

RESERVATIONS: (202) 741–6008

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Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 1

[Docket No. FAA–2010–0812; Amdt. No. 1–66]

RIN 2120–AJ81

Feathering Propeller Systems for Light-Sport Aircraft Powered Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; notice of confirmation of effective date.

SUMMARY: This action confirms the effective date of the final rule published on January 3, 2011. The final rule amends the definition of light-sport aircraft by removing "auto" from the term "autofeathering" as it applies to powered gliders. This amendment will allow both manual and autofeathering propeller operation for powered gliders that qualify as light-sport aircraft.

DATES: The effective date for the final rule published January 3, 2011, at 76 FR 5, is confirmed as March 4, 2011.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this action, see "How to Obtain Additional Information" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Terry Chasteen, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–114, 901 Locust, Room 301, Kansas City, MO 64106; telephone: (816) 329–4147; fax: (816) 329–4090; e-mail: *terry.chasteen@faa.gov.* For legal questions concerning this action, contact Paul Greer, Office of Chief Counsel, AGC–210, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–7930; fax: (202) 267–7971; e-mail: *paul.g.greer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Before publication of this final rule on January 3, 2011 (76 FR 5), Title 14, Code of Federal Regulations (14 CFR) specified that powered gliders that were light-sport aircraft (LSA) had a fixed or autofeathering propeller system. The restriction to "autofeathering" had resulted in confusion to LSA designers. The FAA has determined that a propeller on an LSA powered glider can be safely feathered using either a manual or automatic feathering propeller system, which justifies replacing the term "autofeathering" with "feathering."

Discussion of the Comments

The FAA received comments from eight individual commenters. All commenters supported the rule change. The commenters generally stated that the rule change removes an unnecessary restriction to the definition of a light-sport aircraft with no adverse safety effect.

Conclusion

After consideration of the comments submitted in response to the final rule, the FAA has determined that no further rulemaking action is necessary. Therefore, Amendment 1–66 remains in effect.

How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document my be obtained by using the Internet—

1. Search the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visit the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/* or

3. Access the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

Copies may also be obtained by sending a request (identified by amendment or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's 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.*).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

Issued in Washington, DC, on February 14, 2011.

Frank P. Paskiewicz,

Acting Deputy Director, Aircraft Certification Service.

[FR Doc. 2011–3777 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0827; Directorate Identifier 2010–CE–029–AD; Amendment 39–16552; AD 2010–17–18 R1]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. Models AT–802 and AT–802A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final regulatory flexibility analysis (FRFA).

SUMMARY: This document incorporates the FRFA for Airworthiness Directive (AD) 2010–17–18, which applied to these products: Air Tractor, Inc. (Air

Tractor) Models AT–802 and AT–802A airplanes. We have since revised AD 2010–17–18, which requires you to repetitively inspect (using the eddy current method) the two outboard fastener holes in both of the wing main spar lower caps at the center splice joint for cracks and repair or replace any cracked spar, and changes the safe life for certain serial number (SN) ranges. Our initial analysis indicated that a FRFA was necessary for AD 2010–17–18. We issued AD 2010–17–18 without the FRFA to immediately address the unsafe condition. This action presents the FRFA for AD 2010–17–18, which is required to be published in the **Federal Register**.

DATES: This FRFA is effective February 18, 2011.

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

FOR FURTHER INFORMATION CONTACT: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; phone: (210) 308–3365; fax: (210) 308–3370; e-mail: *andrew.mcanaul@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On August 11, 2010, we issued AD 2010–17–18, amendment 39–16412 (75 FR 52255, August 25, 2010), for all Air Tractor Models AT–802 and AT–802A airplanes. That AD required you to repetitively inspect (using the eddy current method) the two outboard fastener holes in both of the wing main spar lower caps at the center splice joint for cracks and repair or replace any cracked spar, and changes the safe life for certain SN ranges. That AD resulted from the FAA's evaluation of service information issued by Air Tractor and our determination that we needed to add inspections, add modifications, and change the safe life for certain SN ranges. We issued that AD to detect and correct cracks in the wing main spar lower cap at the center splice joint, which could result in failure of the spar cap and lead to wing separation and loss of control of the airplane.

Reason for This Action

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.

To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. In accordance with Section 608 of the Regulatory Flexibility Act, an agency head may waive or delay completion of some or all of the requirements of Section 603 by providing a written finding that this final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of Section 603 impracticable.

Our initial analysis indicated that a FRFA was necessary for this action. We issued AD 2010–17–18 without the FRFA to immediately address the unsafe condition.

On December 16, 2010, we issued AD 2010–17–18 R1, amendment 39–16552 (75 FR 82219, December 30, 2010), for certain Air Tractor Models AT–802 and AT–802A airplanes. This AD retains the actions of AD 2010–17–18 and reduces the applicability from all SN beginning with SN–0001 as required by the previous AD to SN–0001 through SN–0269. This AD was prompted by our evaluation of a comment from David Ligon, Air Tractor, and our determination that we should reduce the applicability from that already required by the previous AD.

This action presents the FRFA, which is required to be published in the **Federal Register**.

Final Regulatory Flexibility Analysis

On August 25, 2010, the Federal Aviation Administration (FAA) issued Airworthiness Directive (AD 2010–17–18) for Air Tractor Models AT–802 and AT–802A airplanes. The FAA determined that the final rule was being issued in response to an emergency and that timely compliance with the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) was impracticable. This analysis fulfills the RFA requirements.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

This final rule will have a significant impact on a substantial number of small entities. In accordance with the requirements in the RFA, we have performed this FRFA and address the following requirements:

(1) A succinct statement of the need for, and objectives of, the rule.

(2) A summary of the significant issues raised by the public comments.

(3) A description and an estimate of the number of small entities.

(4) A description of the projected reporting, recordkeeping, and other compliance requirements.

(5) A description of the steps the agency has taken to minimize the significant adverse economic impact on small entities.

(6) An identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the final rule.

Next, we address each of those individual requirements.

(1) A succinct statement of the need for, and objectives of, the rule.

This AD will improve the ability of operators flying Models Air Tractor 802 and 802A airplanes to discover and to correct cracks in the wing main spar lower cap at the center splice joint, which could result in the failure of the spar cap and lead to the wing separating from the airplane body.

The FAA is responsible for the safety of flight in the United States and for the safety of U.S.-registered aircraft and U.S. operations. The FAA is also responsible for issuing rules affecting the safety of air commerce and national security. The FAA's authority to issue the rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106(g) describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Further, the FAA has broad authority under section 44701(a)(5) to prescribe regulations

governing the practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security. The FAA finds this action necessary to prevent a potential hazard to Air Tractor Models AT–802 and AT–802A airplanes engaged primarily in agricultural and firefighting operations.

(2) A summary of the significant issues raised by the public comments.

The FAA received one comment on this final rule. Air Tractor commented that there should be no additional inspections required for their AT–802 and AT–802A airplanes with serial numbers greater than 0269. We concurred and on December 30, 2010, issued AD 2010–17–18 R1 to reduce the applicability of AD 2010–17–18 only to Models AT–802 and AT–802A serial numbers 0001 through 0269.

(3) A description and an estimate of the number of small entities.

There are 52 of these affected Air Tractor airplanes operating in the United States. Of these 52 airplanes, 46 are operated by the private sector and 6 are operated by the United States State Department. Of the 46 operated by the 34 entities in the private sector, 25 operate only 1 airplane, 1 operates 2 airplanes, 5 operate 3 airplanes, and 1 operates 4 airplanes. The Small Business Administration classifies operators with less than 1,500 employees as small businesses. All of the private entities are small entities with fewer than 1,500 employees.

(4) A description of the projected reporting, recordkeeping, and other compliance requirements.

This final rule changes the existing requirement that any inspection finding a crack must be reported to the FAA by requiring the operator to use a specific one-page reporting form that has been approved by the Office of Management and Budget for that report.

The final rule requires operators of Air Tractor serial numbers AT–802–0092 through 0101 and AT–802A–0092 through 0101:

- To perform, using the eddy current method, two inspections at 1,700 time-in-service (TIS) hours, at 2,500 TIS hours, and at 3,300 TIS hours (at a cost of $650 an inspection) of the two outboard fastener holes in both of the wing main spar lower caps at the center splice joint for cracks and to repair or replace any cracked spar.
- To install at 4,100 TIS hours a center web plate and splice blocks (at a cost of $25,500).

Operators of Air Tractor serial numbers AT–802–0102 through 0178 and AT–802A–0102 through 0178 to perform using the eddy current method, two inspections at 5,500 TIS hours and at 6,600 TIS hours (at a cost of $650 an inspection) of the two outboard fastener holes in both of the wing main spar lower caps at the center splice joint for cracks and to repair or replace any cracked spar.

We determined that an average AT–802 or AT–802A lasts 40 years before it leaves service in the United States. We also determined that it flies an average of 450 hours a year. Thus, an AT–802 or AT–802A accumulates an average of 18,000 TIS hours before it leaves service in the United States. All of the affected airplanes (AT–802 0092–0178 and AT–802A 0092–0178) were built between 2000 and 2004.

The baseline from which the FAA calculated the incremental costs to comply with Air Tractor AD 2010–17–18 is compliance with the previous Air Tractor AD (AD 2010–13–08) published in the **Federal Register** on June 23, 2010. This earlier AD addressed Air Tractor Airplane Model AT–802 serial numbers 0001 through 0091 and Model AT–802A serial numbers 0001 through 0091.

This AD imposed no new requirements beyond those in AD 2010–13–08 on Air Tractor Models AT–802 serial numbers 0001 through 0091 and Model AT–802A serial numbers 0001 through 0091.

As previously noted, this AD also addressed Air Tractor Model AT–802 serial numbers 0179 forward and Model AT–802A serial numbers 0179 forward. However, the December 30, 2010, AD removed these airplanes from compliance with this AD.

Thus, in comparison with AD 2010–13–08, this AD affects Model AT–802 serial numbers 0092 through 0178 and Model AT–802A serial numbers 0092 through 0178 in service in the United States.

For the purposes of this analysis, there are two different categories within each of these two models. Category 1 consists of Model AT–802 serial numbers 0092 through 0101 and Model AT–802A serial numbers 0092 through 0101, which were manufactured in 2000. Category 2 consists of Model AT–802 serial numbers 0102 through 0178 and Model AT–802A serial numbers 0102 through 0178 manufactured between 2000 through 2004. As seen in Table 1, there are only 6 category 1 airplanes and 40 category 2 airplanes.

TABLE 1—NUMBERS OF AFFECTED AT–802 AND AT–802A AIRPLANES IN PRIVATE OPERATIONS BY CATEGORY AND BY YEAR OF MANUFACTURE

Manufacture year	Category		Total
	1	2	
2000	6	4	10
2001		10	10
2002		6	6
2003		13	13
2004		7	7
Total	6	40	46

For category 1 airplanes, this AD requires that the operator must perform three eddy current inspections (at 1,700 TIS hours, at 2,500 TIS hours, and at 3,300 TIS hours), each inspection costing $650. However, as all of these airplanes were manufactured in 2000 and, given an average of 450 annual TIS hours, they are already, on average, at 4,050 TIS hours. Nevertheless, the FAA assumes that these six airplanes will need one inspection, which will be taken in 2011.

The AD also reduced their spar cap maximum safe life from 8,163 TIS hours to 4,100 TIS hours. However, the operator can extend the spar cap maximum safe life from 4,100 hours to 8,000 hours by spending $25,500 to install a center web plate and splice blocks. The FAA assumes that all of these installations will occur in 2012. Finally, although the spar cap has to be replaced (at a cost of $81,175) by 8,000 TIS hours, this is required under AD 2010–13–08.

For category 2 airplanes, this AD reduced their spar cap maximum safe life from 8,163 TIS hours to 5,500 TIS hours. However, if the operator performs two eddy current inspections (at 5,500 TIS hours and at 6,600 TIS hours), each inspection costing $650, the spar cap maximum safe life can be extended to 8,000 TIS hours. Given an average of 450 annual TIS hours, these airplanes will have their first inspection (at 5,500 TIS hours) 12 years after they were manufactured and will have their second inspection 3 years later (after having an average of 1,350 TIS hours during those 3 years). As these airplanes were manufactured between late 2000 and 2004, the FAA assumes that the 2000 airplanes will have their first inspection in 2012 and the second inspection in 2015; the 2001 airplanes will have their first inspection in 2013 and the second inspection in 2016, *etc.*

The FAA uses a 10-year period of analysis (2011–2020) because that is when nearly all of the compliance

expenditures will be made. The FAA also uses a 7 percent discount rate to calculate the present values of the costs.

The AD does not require any additional inspections after the replacement spar has been installed because the replacement spars are higher quality than the original equipment.

Thus, the AD will impose two types of compliance costs. The first are the costs from the inspections. The second are the costs to the category 1 Air Tractor operators that will need to install a center web plate and splice blocks at 4,100 TIS hours.

As seen in Table 2, the cost to comply with the AD requirements for inspections during the ten-year period would be $55,900, which, using a 7 percent discount rate, has a present value of $39,260.

TABLE 2—TOTAL AND PRESENT VALUE COMPLIANCE COSTS TO COMPLY WITH THE INSPECTIONS REQUIRED BY THE AD

[2011–2020]

Manufacture year	Number of inspections by year										Total
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	
2000 (Cat 1)	6	0	0	0	0	0	0	0	0	0	6
2000 (Cat 2)	0	4	0	0	4	0	0	0	0	0	8
2001	0	0	10	0	0	10	0	0	0	0	20
2002	0	0	0	6	0	0	6	0	0	0	12
2003	0	0	0	0	13	0	0	13	0	0	26
2004	0	0	0	0	0	7	0	0	7	0	14
Total	6	4	10	6	17	17	6	13	7	0	86
Total Cost	$3,900	$2,600	$6,500	$3,900	$11,050	$11,050	$3,900	$8,450	$4,550	$0	$55,900
Present Value	$3,645	$2,271	$5,306	$2,975	$7,878	$7,363	$2,429	$4,918	$2,475	$0	$39,260

Each of the 6 category 1 Air Tractor airplane operators will need to spend $25,500 to install the center web plate and splice blocks in 2012, which has a present value of $22,273 using a 7 percent discount rate. The total cost to install this equipment on these 6 airplanes is $153,000, which has a present value of $133,638 using a 7 percent discount rate.

Thus, the total cost would be $208,900, which has a present value of $172,898 using a 7 percent discount rate.

However, these costs are unequally distributed across the 34 operators. The six category 1 Air Tractor airplane operators will need to spend $26,150 an airplane while the category 2 Air Tractor airplane operators will need to spend between $650 and $1,300 an airplane.

(5) A description of the steps the agency has taken to minimize the significant economic impact of the final rule on small entities.

The FAA is responsible for the safety of U.S.-registered aircraft and U.S. operators. The FAA has not identified any significant alternatives to this final rule that accomplish the stated objectives of applicable statutes, and which minimize any significant economic impact of the final rule SFAR on small entities.

(6) An identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the final rule.

The FAA knows of no other Federal rules which duplicate, overlap, or conflict with the final rule.

Determination of Significant Impact

As discussed in the compliance cost section, all of these operators are small businesses. Further, nearly all of them are privately held businesses that do not file reports that the FAA can access to determine annual revenues. However, the FAA can determine that the average value of an Air Tractor Model AT–800A serial number 0091–0101 is about $650,000. This rule requires the 6 operators of these airplanes to spend about 4 percent ($25,500) of the value of the airplane on a repair. The FAA believes that this magnitude of an expenditure could place these six operators in some financial difficulty.

Therefore, this final rule will have a significant economic impact on a substantial number of small entities.

Issued in Kansas City, Missouri, on February 11, 2011.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–3653 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0379; Directorate Identifier 2009–NM–210–AD; Amendment 39–16609; AD 2011–04–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 737–300, –400, and –500 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to all Model 737–300, –400, and –500 series airplanes. That AD currently requires inspecting to determine if certain carriage spindles are installed, repetitive inspections for corrosion and indications of corrosion on affected carriage spindles, and if necessary, related investigative and corrective actions. That AD also provides an optional terminating action. This new AD mandates the optional terminating action, which eliminates the need for the repetitive inspections. This AD results from reports of corrosion found on carriage spindles that are located on the outboard trailing edge flaps. We are issuing this AD to detect and correct corrosion of the carriage spindle, which could result in fracture.

Fracture of both the inboard and outboard carriage spindles, in the forward ends through the large diameters, on a flap, could adversely affect the airplane's continued safe flight and landing.

DATES: This AD becomes effective March 25, 2011.

On November 24, 2009 (74 FR 57564, November 9, 2009), the Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD.

On August 5, 2008 (73 FR 42259, July 21, 2008), the Director of the Federal Register approved the incorporation by reference of a certain other publication listed in the AD.

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6440; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2009–23–10, Amendment 39–16084 (74 FR 57564, November 9, 2009). The existing AD applies to all Model 737–300, –400, and –500 series airplanes. That NPRM was published in the **Federal Register** on April 8, 2010 (75 FR 17882). That NPRM proposed to continue to require inspecting to determine if certain carriage spindles are installed, repetitive inspections for corrosion and indications of corrosion on affected carriage spindles, and if necessary, related investigative and corrective actions. The existing AD also provides an optional terminating action. That NPRM also proposed to mandate the optional terminating action, which would eliminate the need for the repetitive inspections.

Comments

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

Request To Revise Paragraph (k) of the NPRM

Boeing, Continental Airlines (CAL), and British Airways Plc requested that paragraph (k) of the NPRM be revised to identify additional replacement parts for the affected high velocity oxy-fuel (HVOF)-coated spindles. (Paragraph (k) of the NPRM proposed to require replacement of HVOF-coated carriage spindles having serial numbers identified in Table 2 or 3 of Appendix A of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009, with either a non-HVOF-coated carriage spindle, or with a serviceable HVOF-coated carriage spindle with an 'R' suffix on the serial number. Tables 2 and 3 of that service bulletin identify both part numbers and serial numbers of the affected carriage spindles.)

Boeing requested that we revise paragraph (k) of the NPRM to specify that "new" HVOF-coated carriage spindles with serial numbers not listed in Table 2 or 3 of Appendix A of the referenced Boeing service bulletin are also acceptable replacements.

British Airways Plc requested that we revise paragraph (k) of the NPRM to add "serviceable" carriage spindles not listed in Table 2 or 3 of Appendix A of the referenced Boeing service bulletin as acceptable replacements.

CAL noted that there is no mention in paragraph (k) of the NPRM of "serviceable," non-suspect HVOF-coated carriage spindles that do not have an 'R' suffix. CAL indicated that those particular carriage spindles are not listed in Tables 2 and 3 of Appendix A and, therefore, are not affected by the NPRM. In light of this, CAL requested that paragraph (k) of the NPRM be revised to specify that the repetitive inspections can be terminated by replacing affected HVOF-coated carriage spindles with serviceable, non-suspect HVOF-coated carriage spindles that do not have an 'R' suffix.

We agree with the commenters' requests. We have revised paragraph (j) of the final rule (paragraph (k) of the NPRM) to include the following carriage spindles as acceptable replacements: (1) Non-HVOF-coated carriage spindles; (2) new or serviceable HVOF-coated carriage spindles having serial numbers that are NOT identified in Table 2 or Table 3 of Appendix A of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009, without an 'R' suffix on the serial number; and (3) serviceable HVOF-coated carriage spindles with an 'R' suffix on the serial number.

We also have removed paragraph (j), "Parts Installation," of the NPRM. That paragraph was restated from AD 2009–23–10. Since terminating action is now available, the paragraph is no longer necessary.

Conclusion

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

Costs of Compliance

There are about 482 airplanes of the affected design in the worldwide fleet. This AD affects about 150 airplanes of U.S. registry.

The inspection that is required by AD 2009–23–10 and retained in this AD takes about 2 work hours per airplane, at an average labor rate of $85 per work hour. Based on these figures, the estimated cost of the currently required inspection is $170 per airplane, per inspection cycle.

The replacement of each affected carriage spindle that is required by this AD will take about 17 work hours per spindle (4 spindles per airplane), at an average labor rate of $85 per work hour. Required parts cost is provided under warranty. Based on these figures, the estimated cost of the replacement specified in this AD for U.S. operators is up to $867,000 or up to $5,780 per airplane, or $1,445 per carriage spindle.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. *See* the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–16084 (74 FR 57564, November 9, 2009) and by adding the following new airworthiness directive (AD):

2011–04–10 The Boeing Company: Amendment 39–16609. Docket No. FAA–2010–0379; Directorate Identifier 2009–NM–210–AD.

Effective Date

(a) This AD becomes effective March 25, 2011.

Affected ADs

(b) This AD supersedes AD 2009–23–10, Amendment 39–16084.

Applicability

(c) This AD applies to all The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category.

Subject

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

Unsafe Condition

(e) This AD results from reports of corrosion found on carriage spindles that are located on the outboard trailing edge flaps. The Federal Aviation Administration is issuing this AD to detect and correct corrosion of the carriage spindle, which could result in fracture. Fracture of both the inboard and outboard carriage spindles, in the forward ends through the large diameters, on a flap, could adversely affect the airplane's continued safe flight and landing.

Compliance

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

Restatement of Requirements of AD 2008–15–05, Amendment 39–15617

Inspection To Determine Affected Carriage Spindle

(g) For all airplanes: Within 30 days after August 5, 2008 (the effective date of AD 2008–15–05), inspect the carriage sub-assembly to determine whether an affected carriage spindle with a high velocity oxy-fuel (HVOF) thermal coating is installed, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and/or serial number of the carriage can be conclusively determined from that review. If no affected carriage spindle is installed, no further action is required by this paragraph.

Repetitive Inspections, Related Investigative Actions, and Corrective Action

(h) For airplanes on which any affected carriage spindle was determined to be installed in accordance with Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008, as of August 5, 2008; and the spindle is identified in Table 2 of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009: At the later of the times specified in paragraphs (h)(1) and (h)(2) of this AD, do a detailed inspection (or, as an option for the forward end of the spindle only, a borescope inspection technique may be used) of the spindle for corrosion and potential indications of corrosion of the carriage spindle, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008; or Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009. Do all applicable related investigative and corrective actions before further flight. Repeat the detailed inspection (or, as an option for the forward end of the spindle only, the borescope inspection) and certain related investigative actions (i.e., the gap-check or optional non-destructive test (NDT) ultrasonic inspection) at the applicable compliance times specified in paragraph 1.E. of Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008; or Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009.

(1) Within 30 days after August 5, 2008.

(2) Within 90 days after the installation of a new HVOF-coated spindle.

Note 1: Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008; and Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009; reference Boeing Alert Service Bulletin 737–57A1277, Revision 1, dated November 25, 2003; for further guidance on accomplishing the related investigative actions.

Restatement of Requirements of AD 2009–23–10, Amendment 39–16084

Repetitive Inspections, Related Investigative Actions, and Corrective Action for Certain Airplanes

(i) For airplanes on which a carriage spindle having a serial number identified in Table 3 of Appendix A of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009, is installed: At the latest of the times specified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD, as applicable, do a detailed inspection (or, as an option for the forward end of the spindle only, a borescope inspection technique may be used) of the spindle for corrosion and potential indications of corrosion of the carriage spindle, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009. Do all applicable related investigative and corrective actions before further flight. Repeat the detailed inspection (or, as an option for the forward end of the spindle only, the borescope inspection) and related investigative actions (i.e., the gap-check or optional NDT ultrasonic inspection) at the applicable compliance times specified in paragraph 1.E. of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009.

(1) Within 30 days after November 24, 2009 (the effective date of AD 2009–23–10).

(2) Within 90 days after the installation of a new HVOF-coated spindle identified in Table 3 of Appendix A of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009.

(3) Within 90 days after doing an inspection in accordance with Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008.

New Requirements of This AD

Terminating Action

(j) Within 48 months after the effective date of this AD: Replace any HVOF-coated carriage spindle having a serial number identified in Table 2 or Table 3 of Appendix A of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009, with a non-HVOF-coated carriage spindle; or a serviceable HVOF-coated carriage spindle with an 'R' suffix on the serial number; or a new or serviceable HVOF-coated carriage spindle having a serial number not identified in Table 2 or Table 3 of Appendix A of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009, without an 'R' suffix on the serial number; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008; or Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009. Replacing all affected carriage spindles terminates the repetitive inspections required by this AD.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6440; fax (425) 917–6590. Or, e-mail information to *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(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) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by the Boeing Commercial Airplanes Organization Delegation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and the approval must specifically refer to this AD.

Material Incorporated by Reference

(l) You must use Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008; and Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009; as applicable; to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register previously approved the incorporation by reference of Boeing Service Bulletin 737–57A1304, Revision 1, dated August 11, 2009, on November 24, 2009 (74 FR 57564, November 9, 2009).

(2) The Director of the Federal Register previously approved the incorporation by reference of Boeing Alert Service Bulletin 737–57A1304, dated June 2, 2008, on August 5, 2008 (73 FR 42259, July 21, 2008).

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

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

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

Issued in Renton, Washington on February 10, 2011.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–3651 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2010–0077 Airspace Docket No. 10–AWA–4]

RIN 2120–AA66

Amendment of Prohibited Area P–56; District of Columbia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends Special Use Airspace Prohibited Area P–56 in the District of Columbia to correct inaccuracies in the description of Area A (P–56A). This amendment does not change the actual geographic position of the prohibited area. The boundary description of Area B (P–56B) is not affected by this action.

DATES: Effective date 0901 UTC, May 5, 2011.

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

SUPPLEMENTARY INFORMATION:

Background

The present day prohibited area P–56 evolved from several Presidential Executive Orders (E.O.) dating back to the late 1930s. The E.O. established an airspace reservation over a portion of the District of Columbia for national defense, public safety and other governmental purposes.

In October 1966, the airspace reservation then in place (E.O. No. 10126, May 9, 1950) was amended and codified into Title 14, Code of Federal Regulations, part 73, and designated as prohibited area P–56 (31 FR 13422). Currently, P–56 consists of two subareas: A and B. In general, Area A (P–56A) includes the airspace between a point west of the Lincoln Memorial and an area east of the U.S. Capitol Building, and between K Street (on the north side) and a combination of Independence Avenue, 6th Street SW., and the Southwest Freeway (on the south side). Area B (P–56B) consists of that airspace within a one-half mile radius from the center of the U.S. Naval Observatory, located in northwest Washington, DC.

During a recent review of the P–56 legal description, the FAA found that the wording in one part of the description does not match the current District of Columbia street alignment. The area in question is at the western end of P–56A. The current legal description begins at the southwest corner of the Lincoln Memorial, then proceeds northwest to a point at latitude 38°53′45″ N., longitude. 77°03′2″ W. The existing legal description of P–56A states that this point marks the intersection of New Hampshire Avenue and the Rock Creek and Potomac Parkway NW. However, New Hampshire Avenue no longer intersects the Rock Creek and Potomac Parkway. Due to the construction of the John F. Kennedy Center for the Performing Arts, New Hampshire Avenue NW was terminated at F Street, NW. in the 1967 time frame. However, the "New Hampshire Avenue/Rock Creek Parkway intersection" wording has remained in the P–56A description to this day. In spite of this error, the FAA's Aeronautical Products office has the correct location and charting for P–56. This is because the current boundary line that runs from the stated latitude/longitude point on the Rock Creek and Potomac Parkway still extends toward the point where New Hampshire Avenue NW. terminates at F Street, NW. and then proceeds along New Hampshire Avenue to Washington Circle as stated in the current P–56A description.

The FAA is rewording the description of P–56A to replace the reference to the street segment that no longer exists, as described below. This is an administrative change and does not affect the boundaries, designated altitudes, or operating requirements of

the airspace; therefore, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 to update the legal description of Prohibited area P–56, District of Columbia. Specifically, the description of a portion of Area A (P–56A) is amended by removing the words "* * * to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway, NW. (lat. 38°53′45″ N., long. 77°03′23″ W.); thence northeast along New Hampshire Avenue, 0.6 miles, to Washington Circle, * * *" and inserting the words "* * * to intersect the Rock Creek and Potomac Parkway, NW (at lat. 38°53′45″ N., long. 77°03′23″ W.); thence northeast to the intersection of New Hampshire Avenue NW. and F Street NW. (at lat. 38°53′50″ N., long. 77′03′17″ W.); thence along New Hampshire Avenue NW., 0.4 miles to Washington Circle * * *" (rest of description unchanged). This action will update the regulatory text of P–56 to match the current street alignment in the western part of P–56A to be in concert with the FAA's Aeronautical Products office. The boundary of Area B (P–56B) is not changed by this action and its description remains as currently published.

Section 73.87 of Title 14 CFR part 73 was republished in FAA Order 7400.8T, effective February 16, 2011.

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

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends prohibited airspace in the District of Columbia.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This action is a correction of the technical description of special use airspace that does not alter the dimensions, altitudes, or time of designation of the airspace. Specifically, this action replaces an obsolete street reference in the description. It is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

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

§ 73.87 [Amended]

■ 2. § 73.87 is amended as follows:

* * * * *

P–56 District of Columbia [Amended]

By removing the current boundaries for Area A and substituting the following:

Boundaries

A. Beginning at the southwest corner of the Lincoln Memorial (lat. 38°53′20″ N., long. 77°03′02″ W.); thence via a 327° bearing, 0.6 miles, to intersect the Rock Creek and Potomac Parkway, NW (at lat. 38°53′45″ N., long. 77°03′23″ W.); thence northeast to the intersection of New Hampshire Avenue, NW and F Street, NW (at lat. 38°53′50″ N., long. 77°03′17″ W.); thence along New Hampshire Avenue, NW, 0.4 miles to Washington Circle at the intersection of New Hampshire Avenue and K Street, NW (lat. 38°54′08″ N., long. 77°03′01″ W.); thence east along K Street 2.5 miles to the railroad overpass between First and Second Streets, NE (lat. 38°54′08″ N., long. 77°00′13″ W.); thence southeast via a 158° bearing 0.7 miles, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street, NE (lat. 38°53′35″ N., long. 76°59′56″ W.); thence southwest via a 211° bearing 0.8 miles, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street, SE (lat. 38°52′59″ N., long. 77°00′24″ W.); thence west via a 265° bearing 0.7 miles, to the intersection of the Southwest Freeway (Interstate Route 395) and Sixth Street, SW extended (lat. 38°52′56″ N., long. 77°01′12″ W.); thence north along Sixth Street 0.4 miles, to the intersection of Sixth Street and Independence Avenue, SW (lat. 38°53′15″ N., long. 77°01′12″ W.); thence west along the north side of Independence Avenue 0.8 miles, to the intersection of Independence Avenue and 15th Street, SW (lat. 38°53′16″ N., long. 77°02′01″ W.); thence west along the southern lane of Independence Avenue 0.4 miles to the west end of the Kutz Memorial Bridge over the Tidal Basin (lat. 38°53′12″ N., long. 77°02′27″ W.); thence west via a 285° bearing 0.6 miles, to the southwest corner of the Lincoln Memorial, to the point of beginning.

* * * * *

Issued in Washington, DC, on February 11, 2011.

Edith V. Parish,

Manager, Airspace, Regulations and ATC Procedures Group.

[FR Doc. 2011–3666 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 424

[CMS–1510–F2]

RIN 0938–AP88

Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correcting amendment.

SUMMARY: In the November 17, 2010 issue of the **Federal Register**, we published a final rule that set forth an update to the Home Health Prospective Payment System (HH PPS) rates, including: The national standardized 60-day episode rates, the national per-visit rates, the nonroutine medical supply (NRS) conversion factors, and the low utilization payment amount (LUPA) add-on payment amounts, under the Medicare prospective payment system for HHAs. This correcting amendment corrects a technical error identified in the November 17, 2010 final rule.

DATES: Effective Date: This correcting amendment is effective February 18, 2011.

FOR FURTHER INFORMATION CONTACT: Randy Throndset, (410) 786–0131.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2010–27778 (75 FR 70372), the final rule entitled "Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices" (hereinafter referred to as the CY 2011 HH PPS final rule), there was a technical error that is identified and corrected in the regulations text of this correcting amendment. The provisions of this correcting amendment are effective January 1, 2011.

II. Summary of Errors in the Regulations Text

On page 70464 of the CY 2011 HH PPS final rule, we made a technical error in the regulation text of § 424.22(b)(1). That language inadvertently deleted paragraphs (b)(1)(i) and (ii). Accordingly, we are adding those paragraphs in this correcting amendment.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

Our policy on timing and signature of recertification for home health services in the calendar year (CY) 2011 final rule has previously been subjected to notice and comment procedures. These corrections are consistent with the discussion of this policy in the CY 2011 final rule and do not make substantive changes to this policy. This correcting amendment merely corrects technical errors in the regulations text of the CY 2011 final rule. As a result, this correcting amendment is intended to ensure that the CY 2011 final rule accurately reflects the policy adopted in the final rule. Therefore, we find that undertaking further notice and comment procedures to incorporate these corrections into the final rule is unnecessary and contrary to the public interest.

For the same reasons, we are also waiving the 30-day delay in effective date for this correcting amendment. We believe that it is in the public interest to ensure that the CY 2011 final rule accurately states our policy on timing and signature of recertification for home health services. Thus delaying the effective date of these corrections would be contrary to the public interest. Therefore, we also find good cause to waive the 30-day delay in effective date.

List of Subjects in 42 CFR Part 424

Emergency medical services, Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

Accordingly, the Centers for Medicare & Medicaid Services corrects 42 CFR part 424 by making the following correcting amendment:

PART 424—CONDITIONS FOR MEDICARE PAYMENT

■ 1. The authority citation for part 424 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

■ 2. Amend § 424.22 by adding paragraphs (b)(1)(i) and (b)(1)(ii) to read as follows:

§ 424.22 Requirements for home health services.

* * * * *

(b) * * *

(1) * * *

(i) Beneficiary elected transfer; or

(ii) Discharge and return to the same HHA during the 60-day episode.

* * * * *

Authority: (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 10, 2011.

Dawn L. Smalls,

Executive Secretary to the Department.

[FR Doc. 2011–3779 Filed 2–17–11; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 483, 488, 489 and 498

[CMS–3230–IFC]

RIN 0938–AQ09

Medicare and Medicaid Programs; Requirements for Long-Term Care (LTC) Facilities; Notice of Facility Closure

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule amends the requirements that a long-term care (LTC) facility must meet in order to qualify to participate as a skilled nursing facility (SNF) in the Medicare program, or a nursing facility (NF) in the Medicaid program. These requirements implement section 6113 of the Affordable Care Act to ensure that, among other things, in the case of a LTC facility closure, individuals serving as administrators of a SNF or NF provide written notification of the impending closure and a plan for the relocation of residents at least 60 days prior to the impending closure or, if the Secretary terminates the facility's participation in Medicare or Medicaid, not later than the date the Secretary determines appropriate.

DATES: *Effective Date:* March 23, 2011.

Comments: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on April 19, 2011.

ADDRESSES: In commenting, please refer to file code CMS–3230–IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the instructions under the "More Search Options" tab.

2. *By regular mail.* You may mail written comments to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3230–IFC, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address only: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3230–IFC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.).

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

Submission of comments on paperwork requirements. You may submit comments on this document's paperwork requirements by following the instructions at the end of the "Collection of Information Requirements" section in this document.

For information on viewing public comments, *see* the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Kadie Thomas, (410) 786–0468. Mary Collins, (410) 786–3189.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Legislative and Regulatory Background

According to the Centers for Medicare and Medicaid Services (CMS) data, as of April 2010, there are 15,713 long-term care (LTC) facilities (commonly referred to as nursing homes) in the U.S. LTC facilities are also referred to as skilled nursing facilities (SNFs) in the Medicare program and as nursing facilities (NFs) in the Medicaid program. For the past decade, CMS Online Survey Certification and Reporting (OSCAR) data have shown a decline in the number of nursing homes, from 17,508 in 1999 to 15,713 in 2010. In 2009, there were 231 nursing home closures. In 2010, there were 191 closures.

LTC facility closures have implications related to access to care, the quality of care, availability of services, and the overall health of residents. Therefore, having an organized process facilities must follow in the event of a nursing home closure would protect residents' health and safety, and make the transition as smooth as possible for residents, as well as family members and facility staff.

A. Current Regulatory Requirements for Notification of Closure to Residents of LTC Facilities

Currently, requirements for the protection of residents' rights in the case of facility closure are found at 42 CFR 483.12(a), Transfer and Discharge.

Section § 483.12(a)(2), *Transfer and discharge requirements,* prohibits facilities from transferring or discharging a resident from the facility, except under certain circumstances, including cessation of operations.

Section § 483.12(a)(4), *Notice before transfer,* requires that before a facility transfers or discharges a resident, the facility must notify the resident and, if known, a family member or legal representative of the resident, of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand.

Section § 483.12(a)(5), *Timing of the notice,* requires facilities to inform residents 30 days before the resident is transferred or discharged, except in the case of certain specific circumstances that include, for example, an immediate transfer or discharge due to a resident's urgent medical needs. In such cases, the notification must be made "as soon as is practicable." State laws regarding notification of LTC facility closures vary, with the majority of States requiring 30 days notice prior to closure. However, there are some States that require up to 90 days notice, such as Vermont, Illinois and Pennsylvania (*see* (*http://www.sph.umn.edu/hpm/nhregsPlus/category_attachments/category_admission_discharge_transfer_rights.pdf#pagemode=bookmarks&page=1* for information on these States and general background on State regulations pertaining to nursing facility admission, transfer, and discharge rights).

Section § 483.12(a)(6), *Contents of the notice,* specifies what must be included in such notifications, for example the location to which the resident is being transferred or discharged. Finally, § 483.12(a)(7), *Orientation for transfer or discharge,* requires a facility to provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

Section § 488.426 *Transfer of residents, or closure of the facility and transfer of residents,* gives authority to the State in emergency situations. Section 488.426 (a), which is not being revised in this rule, requires that, in an emergency, the State has the authority to—(1) Transfer Medicaid and Medicare residents to another facility; or (2) Close

the facility and transfer the Medicaid and Medicare residents to another facility.

If a facility closes permanently due to an emergency, the administrator is required to provide proper notification. However, if the State temporarily relocates residents during an emergency with the expectation that the residents will return to the facility, we would not regard this situation to be a facility closure and would not require the administrator to provide notification. For example, CMS recently received notification that a facility's air conditioning failed during a heat wave. The State ordered the facility to relocate all of its residents while the problem was being investigated but did not close the facility. Since the States customarily provide notification under § 488.426 for emergency-related closures, CMS is not proposing the administrator be required to provide such notification.

B. Requirements for Notification of Closure to Other Individuals or Entities

Currently, there are no Federal regulations requiring that a LTC facility notify the Secretary or a State's LTC ombudsman prior to closure of a LTC facility and there are no Federal requirements for submission of a plan for closure of a LTC facility to any individual or entity.

C. Legislative Requirements and the Affordable Care Act Amendments

Sections 1819(b)(1)(A) of the Social Security Act (the Act) for SNFs and 1919(b)(1)(A) of the Act for NFs both state that a SNF/NF must care for its residents in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life of each resident.

Sections 1819(c)(2)(A) and 1919(c)(2)(A) of the Act state that in general, with certain specified exceptions, a SNF/NF must permit each resident to remain in the facility and must not transfer or discharge the resident from the facility.

Section 6102 of the Affordable Care Act of 2010 (Pub. L. 111–148, March 23, 2010) added a new section 1128I to the Act to promote greater accountability for LTC facilities (defined as skilled nursing facilities and nursing facilities pursuant to new subsection 1128I(a) of the Act). Section 6113 of the Affordable Care Act added an additional subsection 1128I(h) to the Act, setting forth certain requirements for LTC facility closures, effective March 23, 2011, as follows:

1. Notification of Facility Closure

Section 1128I(h)(1)(A)(i) of the Act, as added by the Affordable Care Act, states that in general, any individual who is the administrator of the facility must submit to the Secretary, the State LTC ombudsman, residents of the facility, and the legal representatives of such residents or other responsible parties, written notification of an impending facility closure.

For informational purposes, LTC ombudsmen are advocates for residents of nursing homes, board and care homes and assisted living facilities. Ombudsmen provide information about how to find a facility and what to do to get quality care. They are trained to resolve problems, and will assist individuals with complaints; however, unless an ombudsman is given permission, these matters are kept confidential. Under the Federal Older Americans Act, every State is required to have an Ombudsman Program that addresses complaints and advocates for improvements in the LTC system (*http://www.ltcombudsman.org/*).

For voluntary or State-mandated closures, the required written notification must not be later than 60 days prior to the date of such closure. Section 1128I(h)(1)(A)(ii) of the Act states that if the Secretary terminates the facility's participation under this title, notification must be provided no later than the date that the Secretary determines appropriate. Section 1128I(h)(1)(B) of the Act states that the administrator must also ensure that the facility does not admit any new residents on or after the date on which such written notification is submitted.

Finally, section 1128I(h)(1)(C) of the Act states that LTC facilities must include in their closure notices a plan, approved by the State, for the transfer and adequate relocation of residents of the facility by a specified date prior to closure. The notices must also include assurances that the residents will be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs, choice, and best interests of each resident.

2. Relocation

Section 1128I(h)(2)(A) of the Act requires a State to ensure, before a facility in the State closes, that all residents of the facility have been successfully relocated to another facility or an alternative home and community-based setting. Because this requirement applies to States and not the LTC facility, we have not included it in this rule for LTC facilities. We will implement this statutory requirement through sub-regulatory guidance to be published in the State Operations Manual (SOM) as interpretive guidance for surveyors. We are requesting comments on the best means of implementing this provision.

Section 1128I(h)(2)(B) of the Act authorizes the Secretary to continue to make payments under this title with respect to residents of a facility that has submitted the required notifications under section 1128I(h)(1) during the period beginning on the date such notification is submitted and ending on the date on which the resident is successfully relocated.

3. Sanctions

Section 1128I(h)(3) of the Act, as added by the Affordable Care Act, states that any individual who is the administrator of the facility that fails to comply with the requirements set out in the subsection shall be subject to a civil monetary penalty of up to $100,000, may be subject to exclusion from participation in any Federal health care program (as defined in section 1128B(f) of the Act), and shall be subject to any other penalties that may be prescribed by law.

Additionally, Section 1128I(h)(4) of the Act "Procedure," states that the provisions of section 1128A of the Act (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty or exclusion under paragraph (3) in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of the Act.

Subsection 6113(c) of the Affordable Care Act requires that the provisions of new subsection 1128I(h) of the Act become effective one year after the date of enactment—that is, March 23, 2011. Therefore, because of the statutory deadline, we are implementing this rule as an interim final rule with comment period.

II. Health Disparities

CMS is committed to developing regulation in a manner that focuses on improving the quality of health care for all persons. Therefore, we believe that it is important in the preamble of regulations to discuss our goal of addressing health care disparities and to solicit comments on how our regulations could be used to address such disparities.

In 1985, the Secretary of the Department of Health and Human Services issued a landmark report that revealed large and persistent gaps in health status among Americans of different racial and ethnic groups and served as an impetus for addressing health inequalities for racial and ethnic minorities in the U.S. This report led to the establishment of the Office of

Minority Health (OMH) within the Department of Health and Human Services (HHS), with a mission to address these disparities. National concern for these differences, termed health disparities, and the associated excess mortality and morbidity have been expressed as a high priority in national health status reviews, including Healthy People 2000 and 2010.

Since that time, research has extensively documented the pervasiveness of racial and ethnic disparities in health care and has led to the acknowledgement of racial and ethnic disparities as a national problem. As a result, more populations have been identified as vulnerable, which has necessitated the development of programs and strategies to reduce disparities for vulnerable populations, as well as the emergence of new leadership to address such disparities. Currently, vulnerable populations can be defined by race/ethnicity, socio-economic status, geography, gender, age, disability status, sexual orientation, and other populations identified to be at-risk for health disparities. Other populations at risk may include persons with visual or hearing problems, cognitive perceptual problems, language barriers, pregnant women, infants, and persons with disabilities or special health care needs.

Although there has been much attention at the national level to ideas for reducing health disparities in vulnerable populations, we remain vigilant in our efforts to improve health care quality for all persons by improving health care access and by eliminating real and perceived barriers to care that may contribute to less than optimal health outcomes for vulnerable populations. For example, we are aware that immunization rates remain low among some minorities. Despite the long-term implementation of some strategies, such as the use of language translators in hospitals, health literacy and its impact on health care outcomes continues to be in the forefront.

We are always seeking better ways to address the needs of vulnerable populations; therefore, we are specifically requesting comments in regard to how our LTC facility closure requirements could be used to address disparities among facility residents.

III. Provisions of the Interim Final Rule With Comment Period

Based on the provisions of section 1128I(h) of the Act, as added by the Affordable Care Act, we are revising the current requirements for LTC facilities, as discussed below. Under this new provision the administrator of the facility will be subject to sanctions for failure to provide proper notice according to these new provisions. However, in some cases, an administrator has no control over closure procedures. For instance, an administrator may be hired to oversee a facility's impending closure, although he or she was not present when the decision was made to close, or the administrator was employed fewer than 60 days prior to closure. In regards to LTC facilities, this is the first regulation where civil monetary penalties would be imposed on an individual. CMS considered the impact that this rule would have on an administrator that would be in a facility for an insufficient amount of time to comply with this regulation. We believe that the Congress intended CMS to use sanctions as a method to assure that the requirements in the statue be implemented. The language that the Congress used was "up to $100,000." They used this language to have a maximum amount, but intended for CMS to determine the amount of the sanctions. Due to the many possible combinations of violations that could be cited gradations would be limited to the number of offenses. Any sanctions that have been levied against an administrator would also be reviewed by the State's licensing agency for possible disciplinary action including suspension and termination of the administrator's license. Because of the unique Federal laws applicable to the operation of IHS and Tribal LTC facilities under the authority of 25 U.S.C. 1621(d), the implementation of this IFC by such facilities will be developed in consultation with the IHS and Tribal programs.

A. Transfer and Discharge § 483.12(a)

We are revising § 483.12(a) by redesignating current paragraph (a)(8) as paragraph (a)(9) and adding a new § 483.12(a)(8) to require that, in the case of a facility closure, any individual who is the administrator of the facility must provide written notification prior to the impending closure to the Secretary, the State LTC ombudsman, the residents of the facility, and the legal representatives of such resident or other responsible parties, as well as provide a plan for the transfer and adequate relocation of the residents, in accordance with new § 483.75(r).

We are also revising § 483.12(a)(5)(i) "Timing of the notice", which allows for exceptions to the 30-day notification requirement for closures. We are adding a statement that newly added paragraph (a)(8), which generally states who must file a notice and plan and to whom the notice and plan must be filed in the event of impending closure, is also an exception to the timing requirements found in paragraph (a)(5)(i).

B. Facility Closure-Administrator § 483.75(r)

We are adding a new subsection (r) to § 483.75. At § 483.75(r)(1), we are requiring that any individual who is the administrator of the facility must submit to the Secretary, the State LTC ombudsman, residents of the facility, and the legal representative of such residents (or other responsible parties) written notification of an impending closure at least 60 days prior to the date of closure; or, in the case of a facility where the Secretary terminates the facility's participation in the Medicare and/or Medicaid programs, not later than the date that the Secretary determines appropriate for such notification.

To understand how the Secretary may determine a date for a notification when the Secretary has terminated the facility's participation in Medicare, Medicaid, or both, we are providing background on facility requirements to participate in these programs. The Secretary may terminate a facility's participation if the facility fails in any area outlined in § 489.53(a)(1) through (a)(15). For instance, at § 489.53(a)(3), failure to continue to meet the appropriate conditions of participation or requirements for SNFs and NFs set forth elsewhere in this chapter would be grounds for termination by CMS. In addition, the timing of the notification of termination by the Secretary may vary based on the justification for the closure. Section 489.53(d)(1) provides the basic timing rule for notice of termination by CMS, which is 15 days before the effective date of termination of the provider agreement. Section 489.53(d)(2)(ii) provides the timing rule for closures that are the result of deficiencies that may pose immediate jeopardy, which is 2 days prior to the effective date of the termination of the provider agreement.

In addition, at § 483.75(r)(2) we are requiring any individual who is the administrator of the LTC facility to ensure that the facility does not admit any new residents on or after the date on which such written notification is submitted to the Secretary, the State LTC ombudsman, and the residents, and/or their representatives or other responsible parties.

At § 483.75(r)(3), we are requiring that any individual who is the administrator of a LTC facility include in the written notice of closure, a plan that has been approved by the State for the transfer

and adequate relocation of the residents of the facility by a date that would be specified prior to closure, including assurances that the residents would be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs, choice, and best interests of each resident.

We would expect that the closure plan would include sufficient detail to clearly identify the steps the facility would take, and the individual responsible for ensuring the steps are successfully carried out. As an example, the plan might include: (among other things):

- Assessment of residents' care needs and the provision of appropriate services.
- A plan for communicating with staff and/or unions.
- Continuation of appropriate staffing levels and paychecks at the facility.
- Provision of necessary supplies.
- Identification of available facilities to which residents could be transferred, along with an assessment of the quality of care provided by these facilities (for example, Minimum Data Set (MDS) OSCAR data).
- A process for relocation of residents.
- Operation and management of the facility and oversight of those managing the facility.
- The roles and responsibilities of the facility's Administrator or replacement.
- Sources of supplemental funding to assist in keeping a facility open until the residents are transferred.
- A plan for communicating with the Secretary, the State LTC ombudsman, residents and legal representatives of the residents or other responsible parties.

C. Facility Closure § 483.75(s)

We are adding § 483.75(s) to require that the facility have in place policies and procedures that will ensure the administrator's duties and responsibilities involve providing the appropriate notices. While this provision is not explicitly required by section 1128I(h), we believe that it is implicitly authorized by the terms of section 6113 of the Affordable Care Act. Moreover, it is explicitly permitted by the general rulemaking authority of sections 1819(d)(4)(B) and 1919(d)(4)(B) of the Act, which permit the Secretary to issue rules relating to the health, safety and well-being of residents, and rules concerning physical facilities. The facility will not be sanctioned for noncompliance with this rule; however, it will be cited for a deficiency during the survey process.

D. Transfer of Residents, or Closure of the Facility and Transfer of Residents § 488.426

At § 488.426, we are revising paragraph (b) to include a cross-reference to the new requirements at § 483.75(r). We are also adding paragraph (c) *Required notifications when a facility's provider agreement is terminated* to address the required notifications when a facility closes.

E. Administrator Sanctions: Long-Term Care Facility Closures § 488.446

As required by Section 6113 of the Affordable Care Act, new § 488.446 will subject any administrator of a facility that fails to comply with the requirements at § 483.75(r) to sanctions. Such individual—

(1) Would be subject to a civil monetary penalty as follows: A minimum of $500 for the first offense; a minimum of $1,500 for the second offense; and a minimum of $3,000 for the third and subsequent offenses. The three levels of civil monetary penalties (CMPs) represent a minimum amount for each offense; however, an administrator could be subject to higher amounts of CMPs (not to exceed $100,000) based on criteria that CMS will identify in interpretative guidelines. If it is determined that an administrator of record completely fails to take the necessary and timely actions to adhere to the Notice of Facility Closure thus causing unjustified harm to the resident, family, and visitors, then the administrator could be subject to additional CMPs. For example, the administrator abandons his or her responsibility as set forth in the Notice of Facility Closure for the purpose of personal gain (financial) by devoting his or her energies to keeping the facility open rather than working on a safe and timely closure.

(2) Could be subject to exclusion from participation in any Federal health care program (as defined in section 1128B(f) of the Act); and

(3) Would be subject to any other penalties that may be prescribed by law.

F. Period of Continued Payments § 488.450(c)

At § 488.450(c), we are renumbering this section to add paragraphs (1) and (2). Current § 488.450(c) corresponds with new § 488.450(c)(1), and new paragraph (2) provides that the Secretary may, as deemed appropriate, continue to make payments under this title with respect to residents of an LTC facility that has submitted a notification of closure during the period beginning on the date such notification is submitted and ending on the date on which the resident is successfully relocated.

G. Notice to CMS § 489.52(a)

We are revising § 489.52(a)(1) to provide an exception for SNFs, redesignating paragraph (a)(2) as paragraph (a)(3), and outlining the requirement specific to SNF notifications to CMS in new paragraph (a)(2).

At § 489.52(a)(2), we are requiring that a SNF provider that wishes to terminate its agreement must send CMS written notice of its intent at least 60 days prior to the date of closure, in accordance with § 483.75(r)(1)(i).

H. Skilled Nursing Facility Closure § 489.53(d)(3)

At § 489.53(d)(3), we are revising and redesignating the section to state that when CMS terminates a facility's participation under Medicare or Medicaid, CMS will determine the date of the required notifications. We are also revising § 489.53(d)(1) to reflect this change.

I. Exceptions to Effective Date of Termination § 489.55

When a notification is made as required at § 483.75(r), the new requirements authorize the Secretary to continue to make payments to the SNF or, for a NF, to the State, as the Secretary considers appropriate, during the period beginning at the time the notification is submitted and until the resident is successfully relocated. We renumbered this section to redesignate paragraphs (a) and (b) as paragraphs (1) and (2), and added a new paragraph (b) to implement this requirement.

J. Scope and Applicability § 498.3

We are adding § 498.3(a)(2)(iv) to clarify that CMS may also impose sanctions on NF administrators for noncompliance with § 483.75(r). In addition, we are adding a new subparagraph § 498.3(a)(3)(ii) to indicate that the appeals process applies to NFs as well as SNFs.

We are adding to § 498.3(b) *Initial determinations by CMS,* a new paragraph (18) to indicate that a sanction imposed on a SNF or NF administrator for noncompliance with the requirements set out at § 483.75(r) constitutes an initial determination of the agency.

K. Appeal Rights § 498.5

At § 498.5, we are adding paragraph (m) *Appeal rights of an individual who is the administrator of a SNF or NF* to establish appeal rights for administrator

sanctions for noncompliance with the requirements set out at § 483.75(r).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

V. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the interim final rule in accordance with 5 U.S.C. 553(b) of the Administrative Procedure Act (APA). The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substances of the interim final rule or a description of the subjects and issues involved. This procedure can be waived, however, if an agency finds good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued.

Section 6113 of the Affordable Care Act, effective March 23, 2011, added new section 1128I(h) of the Act, which requires that the administrator of a facility follow specified procedures prior to closure of a facility. The Act requires any individual who is the administrator to provide written notification to the Secretary, the State LTC ombudsman, residents of the facility, and the legal representatives of such residents or other responsible parties, of an impending facility closure. As mentioned above, LTC facility closures have implications for access, the quality of care provided, availability of services, and the overall health of residents, necessitating that an organized process be followed in the event of a nursing home closure. The Congress mandated at subsection 6113(c) of the Affordable Care Act that these amendments take effect one year after the date of the enactment of this Act.

We believe that, in mandating a 1 year effective date, the Congress was acknowledging the importance of protecting the vulnerable elderly residents of LTC facilities. Advance notice of facility closure allows a resident and his or her legal representative or interested family member to prepare for the move to another facility, which can prove very traumatic to the resident. A move uproots a resident from a familiar environment, including a roommate and other residents, as well as assigned care providers, sometimes including the resident's physician. LTC facility closures require critical adjustments and create difficult issues for residents and their families and representatives. The Affordable Care Act under section 1128I(h) mandates specific procedures in the event of a closure of a nursing home. These procedures help protect the resident, the resident's family, and visitors because it requires the facility to provide an organized plan that allows the resident, family, and visitors to make the necessary adjustments within a reasonable time frame. At present, no Federal rule exists for facility closure. Delaying the implementation of the rule would continue to cause unjustified harm to the resident, family, and visitors.

We believe that to publish this rule as a proposed rule would jeopardize the safety of these individuals and the fulfillment of the mandated implementation date of March 23, 2011. Thus, we find that the Congressional directive renders adherence to the normal notice of proposed rulemaking requirements under the APA both impracticable and contrary to the public interest. Therefore, we find good cause to waive the notice of proposed rulemaking and to issue this final rule on an interim basis. We are providing a 60-day public comment period. In accordance with section 1871(a)(3) of the Act, all Medicare interim final rules must be finalized within three years.

VI. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following sections of this document that contain information collection requirements (ICRs):

The revisions at § 483.12(a)(8) require any individual who is the administrator of the facility to submit to the Secretary, the State LTC ombudsman, residents and their legal representatives or other responsible parties, written notification of an impending closure at least 60 days prior to such closure; or not later than the date that the Secretary deems appropriate in the case of a facility where the Secretary terminates the facility's participation under this title.

Current regulations at § 483.12(a)(5) require notification of transfer or discharge to a resident and, if known, a family member or legal representative, in writing. Except in certain specified circumstances, notification must be made at least 30 days prior to transfer or discharge. Facility closure is not a circumstance that permits a facility to make notification in fewer than 30 days. Although the requirement extends the time period for notification from 30 days to 60 days (or a date determined by the Secretary in case of CMS termination of the facility), we do not believe the change in the time period for reporting imposes any additional burden. In addition, notification of transfer or discharge to residents and their representatives is already a usual and customary business practice. Therefore, in accordance with 5 CFR 1320.3(b)(2), we will not include this activity in the ICR burden analysis.

Although there are no existing Federal regulatory requirements for LTC facilities to notify other individuals or entities of an impending closure, according to feedback to CMS from State surveyors for LTC facilities, nearly all States already require LTC facilities to notify the State within 30 to 90 days. Because we have found that notifications of impending closure are a standard business practice for most LTC facilities, we believe that this requirement would impose burden on only a small number of facilities.

Each facility that does not already notify the State and the State LTC ombudsman must develop a process for doing so. We estimate that the burden associated with complying with this requirement would be due to the resources required to develop a process for notifying the State and the State LTC ombudsman and the time it takes to notify those entities. We expect that such a notification process would involve the administrator of the facility

and administrative support person and an attorney to review the plan.

We anticipate that, on average, it will take 7 hours for a total burden of $5,584,400.16.

The revisions at § 483.75(r)(2) require that the administrator of the facility ensure that the facility does not admit any new residents on or after the date written notification is submitted. We do not anticipate any ICR burden associated with this requirement.

Section 483.75(r)(3) requires the administrator of the facility to include in the notice the plan for the transfer and adequate relocation of the residents of the facility by a date that is specified by the State prior to closure, including assurances that the residents would be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs, choice, and best interests of each resident.

Section 483.75(s) requires the facility to have in place policies and procedures to ensure that the administrator's duties and responsibilities include the provision of the appropriate notices in the event of a facility closure.

In our experience, based on feedback to CMS from State surveyors of LTC facilities, most facilities already have plans for transfer of residents, regardless of whether closure of the facility is expected. For example, most facilities have plans for transfer of residents to another facility in the event of an emergency. Also based on our experience, nearly all facilities anticipating closure develop plans for the relocation of residents and other closure-related activities. Many States require such plans. For example, Vermont requires that the State licensing agency and the LTC ombudsman be notified by the administrator of the facility 90 days prior to the proposed date of closure. In addition, the facility administrator is required to provide to the State licensing agency and LTC ombudsman a written transfer plan 60 days prior to closure.

Because we have found that transfer plans are a standard business practice for most LTC facilities, we believe that this requirement would impose burden on only a small number of facilities.

Each facility that does not already have a plan in place must develop a plan for the transfer and adequate relocation of residents of the facility. We estimate that the burden associated with complying with this requirement would be due to the resources required to develop and review a new plan or, if necessary, modify an existing plan for the transfer of residents in the event of facility closure. We expect that development of such a plan would involve the administrator of the facility, an administrative support person, and an attorney to review the plan.

LTC facilities are currently required to have a plan under § 483.12 for discharge and transfer of residents. A facility must provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility. Therefore, we anticipate that, on average, it will take 3 hours to develop the plan, 1 hour to ensure that the administrator's duties include policies and procedures relating to facility closures, 2 hours for an administrative support person to prepare the document(s), and 1 hour for an attorney to review the document(s), for a total estimated burden of 7 hours per facility. We also believe that the burden would remain approximately the same for the first year and beyond.

Currently, there are 15,713 LTC facilities in the U.S. Based on an hourly rate of $58.17 for a nursing home administrator, we estimate that development of the plan and incorporating facility closure policies and procedures into the administrator's duties would cost $3,656,100.80 (15,713 facilities × 4 hours per facility) × $58.17 per hour). Based on an hourly rate of $20.11 for an administrative assistant, we estimate that preparing the plan documents would cost $631,976.86 ((15,713 facilities × 2 hours per facility) × $20.11 per hour). Finally, based on an hourly rate of $82.50 for an attorney, we estimate that reviewing the plan document would cost $1,296,322.50 ((15,713 facilities × 1 hour per facility) × $82.50 per hour). The salary estimates include 33 percent of the mean hourly rate for overhead and fringe benefits (Source: BLS.gov).

If you comment on these information collection and recordkeeping requirements, please submit your comments electronically as specified in the **ADDRESSES** section of this interim final rule.

VII. Regulatory Impact Analysis

A. Statement of Need

Executive Order 13563 directs agencies to consider and discuss qualitatively values that are difficult to quantify, including equity, human dignity, fairness and distributive impacts. This IFC will implement the Affordable Care Act under section 1128I(h) that mandates specific procedures in the event of a closure of a nursing home. LTC facility closure procedures have implications related to access to care, the quality of care, and the overall health of residents. These procedures help protect the resident, the resident's family, and visitors because it requires the facility to provide an organized plan that allows the resident, family, and visitors to make the necessary adjustments within a reasonable time frame.

B. Overall Impact

1. Executive Order 12866

We have examined the impacts of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (February 2, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999) and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule does not qualify as a major rule as the estimated economic impact. We estimate that these requirements will cost $355 (5,584,400/15,713) per facility the first year and each year thereafter.

2. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small government jurisdictions. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the SBA definition of a small business (having revenues of less than $7.0 million to $34.5 million in any 1 year). For purposes of the RFA, most physician practices, hospitals and other providers are small entities, either by nonprofit status or by qualifying as small businesses under the Small Business Administration's size standards (revenues of less than $7.0 to $34.5

million in any 1 year). States and individuals are not included in the definition of a small entity. For details, *see* the Small Business Administration's Web site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2465b064ba6965cc1fbd2eae60854b11&rgn=div8&view=text&node=13:1.0.1.1.16.1.266.9&idno=13.* A rule has a significant economic impact on the small entities it affects, if it significantly affects their total costs or revenues. Under statute we are required to assess the compliance burden the regulation will impose on small entities. Generally, we analyze the burden in terms of the impact it will have on entities' costs if these are identifiable or revenues. As a matter of sound analytic methodology, to the extent that data are available, we attempt to stratify entities by major operating characteristics such as size and geographic location. If the average annual impact on small entities is 3 to 5 percent or more, it is to be considered significant.

We estimate that these requirements will cost $355 ($5,584,400/15,713 facilities) per facility initially and $355 ($5,584,400/15,713 facilities) thereafter. This clearly is much below 1 percent; therefore, we do not anticipate it to have a significant impact. We do not have any data related to the number of LTC facilities that have facility closure plans in place; however, we are aware through our experience with LTC facilities and the survey process that most facilities have a plan for closure either because they are required to have such a plan in place at the State level or because of their understanding that this is a standard business practice.

3. Social Security Act

In addition, section 1102(b) of the Social Security Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For the purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. This rule would impact only SNFs and NFs. Therefore, the Secretary has determined that this interim final rule would not have any impact on the operations of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2010, that threshold is approximately $135 million. This rule would not have a significant impact on the governments mentioned or on private sector costs. The estimated economic effect of this rule is $5,584,400 the first year and $5,584,400 thereafter. These estimates are derived from our analysis of burden associated with these requirements in section IV, "Collection of Information Requirements."

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This rule would not have any effect on State or local governments.

C. Anticipated Effects

1. Effects on LTC Facilities

The purpose of this rule is to ensure that, among other things, in the case of a facility closure, any individual who is the administrator of the facility provide written notification of the closure and the plan for the relocation of residents at least 60 days prior to the impending closure or, if the Secretary terminates the facility's participation in Medicare or Medicaid, not later than the date the Secretary determines appropriate. This would protect residents' health and safety and make the transition to closure as smooth as possible for residents, as well as family members and facility staff.

2. Effects on Other Providers

This rule is expected to allow for a smoother transition when a facility closes. It requires facilities and facility administrators to prepare in advance for closure so, in the event of a closure, the facility is equipped to protect resident rights and continue to provide quality care to residents who must be relocated. This interim final rule would also improve coordination of care between the LTC facility where the residents are transferred from and the LTC facility they are transferred to. We anticipate that only LTC facilities would be affected.

3. Effects on the Medicare and Medicaid Programs

This rule would require that CMS and the State be notified in the case of a facility closure and provides them with the ability to make determinations regarding the timing of termination of provider agreements and continuation of payments to LTC facilities. This rule would also support efforts directed toward broad-based improvements in the quality of health care furnished by Medicare and Medicaid providers.

D. Alternatives Considered

We considered the effects of not addressing specific requirements for the notification of facility closures in LTC facilities, although these requirements are statutory and only allow limited discretion on the part of the Secretary. However, we do believe that to improve quality and ensure consistency in the provision of care in LTC facilities, it is important to ensure that residents rights are protected in LTC facilities and that they are relocated appropriately, taking into consideration the needs, choice and best interest of each resident should a facility closure take place. We expect that these requirements would result in improvement in the quality of services provided to LTC residents when they need to be involuntarily relocated.

E. Conclusion

This interim final rule ensures that, among other things, in the case of a facility closure, any individual who is the administrator of the facility provide written notification of the closure and the plan for the relocation of residents at least 60 days prior to the impending closure or, if the Secretary terminates the facility's participation in Medicare or Medicaid, not later than the date the Secretary determines appropriate.

It is consistent with the requirements set forth in section 6113 of the Affordable Care Act and the Administration's efforts toward broad-based improvements in the quality of health care furnished by Medicare and Medicaid providers.

This interim final rule clarifies the responsibility of the administrator of a facility, which is to ensure that the specified parties are notified of an impending closure in a specified timeframe and identifies penalties for non-compliance. It also clarifies the responsibility of the administrator of the facility to ensure that no new residents are admitted after written notice is submitted and that the notice of closure must include a plan for transfer and adequate relocation to another facility. These facilities must take into consideration the needs, choices and best interests of each resident.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 483

Grant programs—Health, Health facilities, Health professions, Health records, Medicaid, Medicare, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

42 CFR Part 488

Administrative practice and procedure, Health facilities, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 489

Health facilities, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 498

Administrative practice and procedure, Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR Chapter IV as set forth below:

PART 483—REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

■ 1. The authority citation for part 483 is revised to read as follows:

Authority: Secs. 1102, 1128I and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

Subpart B—Requirements for Long Term Care Facilities

■ 2. Section 483.12 is amended by—
■ A. Revising paragraph (a)(5)(i);
■ B. Redesignating paragraph (a)(8) as paragraph (a)(9).
■ C. Adding a new paragraph (a)(8).

The revisions and additions read as follows:

§ 483.12 Admission, transfer and discharge rights.

(a) * * *

(5) *Timing of the notice.* (i) Except as specified in paragraphs (a)(5)(ii) and (a)(8) of this section, the notice of transfer or discharge required under paragraph (a)(4) of this section must be made by the facility at least 30 days before the resident is transferred or discharged.

* * * * *

(8) *Notice in advance of facility closure.* In the case of facility closure, the individual who is the administrator of the facility must provide written notification prior to the impending closure to the Secretary, the State LTC ombudsman, residents of the facility, and the legal representatives of the residents or other responsible parties, as well as the plan for the transfer and adequate relocation of the residents, as required at § 483.75(r).

* * * * *

■ 3. Section 483.75 is amended by adding a new paragraph (r) and paragraph (s) to read as follows:

§ 483.75 Administration.

* * * * *

(r) *Facility closure-Administrator.* Any individual who is the administrator of the facility must:

(1) Submit to the Secretary, the State LTC ombudsman, residents of the facility, and the legal representatives of such residents or other responsible parties, written notification of an impending closure:

(i) At least 60 days prior to the date of closure; or

(ii) In the case of a facility where the Secretary or a State terminates the facility's participation in the Medicare and/or Medicaid programs, not later than the date that the Secretary determines appropriate;

(2) Ensure that the facility does not admit any new residents on or after the date on which such written notification is submitted; and

(3) Include in the notice the plan for the transfer and adequate relocation of the residents of the facility by a date that would be specified by the State prior to closure, including assurances that the residents would be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs, choice, and best interests of each resident.

(s) *Facility closure.* The facility must have in place policies and procedures to ensure that the administrator's duties and responsibilities involve providing the appropriate notices in the event of a facility closure, as required at paragraph (r) of this section.

PART 488—SURVEY, CERTIFICATION, AND ENFORCEMENT PROCEDURES

■ 4. The authority citation for part 488 is revised to read as follows:

Authority: Secs. 1102, 1128I and 1871 of the Social Security Act, unless otherwise noted (42 U.S.C. 1302 and 1395hh); Pub. L. 110–149, 121 Stat. 1820.

Subpart F—Enforcement of Compliance for Long-Term Care Facilities With Deficiencies

■ 5. Section 488.426 is amended by—
■ A. Revising paragraph (b).
■ B. Adding a new paragraph (c).

The revisions and additions read as follows:

§ 488.426 Transfer of residents, or closure of the facility and transfer of residents.

* * * * *

(b) *Required transfer when a facility's provider agreement is terminated.* When the State or CMS terminates a facility's provider agreement, the State will arrange for the safe and orderly transfer of all Medicare and Medicaid residents to another facility, in accordance with § 483.75(r) of this chapter.

(c) *Required notifications when a facility's provider agreement is terminated.* When the State or CMS terminates a facility's provider agreement, CMS determines the appropriate date for notification, in accordance with § 483.75(r)(1)(ii) of this chapter.

■ 6. Add a new § 488.446 to read as follows:

§ 488.446 Administrator sanctions: long-term care facility closures.

Any individual who is or was the administrator of a facility and fails or failed to comply with the requirements at § 483.75(r) of this chapter—

(a) Will be subject to a civil monetary penalty as follows:

(1) A minimum of $500 for the first offense.

(2) A minimum of $1,500 for the second offense.

(3) A minimum of $3,000 for the third and subsequent offenses.

(b) May be subject to exclusion from participation in any Federal health care program (as defined in section 1128B(f) of the Act); and

(c) Will be subject to any other penalties that may be prescribed by law.

■ 7. Section 488.450 is amended by revising paragraph (c) to read as follows:

§ 488.450 Continuation of payments to a facility with deficiencies.

* * * * *

(c) *Period of continued payments—*

(1) *Non-compliance.* If the conditions in paragraph (a)(1) of this section are met, CMS may continue payments to a Medicare facility or the State for a Medicaid facility with noncompliance that does not constitute immediate jeopardy for up to 6 months from the last day of the survey.

(2) *Facility closure.* In the case of a facility closure, the Secretary may, as the Secretary determines appropriate, continue to make payments with respect to residents of a long-term care facility that has submitted a notification of closure during the period beginning on the date such notification is submitted to CMS and ending on the date on which the resident is successfully relocated.

* * * * *

PART 489—PROVIDER AGREEMENTS AND SUPPLIER APPROVAL

■ 8. The authority for part 489 is revised to read as follows:

Authority: Secs. 1102, 1128I and 1819, 1820(e), 1861, 1864(m), 1866, 1869, and 1871 of the Social Security Act (42 U.S.C. 1302, 1351i–3, 1395x, 1395aa(m), 1395cc, 1395ff, and 1395hh).

Subpart E—Termination of Agreement and Reinstatement After Termination

■ 9. Section 489.52 is amended by revising paragraph (a) to read as follows:

§ 489.52 Termination by the provider.

(a) *Notice to CMS.* (1) A provider that wishes to terminate its agreement, except for a SNF as specified in paragraph (a)(2) of this section, must send CMS written notice of its intention in accordance with paragraph (a)(3) of this section.

(2) A SNF that wishes to terminate its agreement due to closure of the facility must send CMS written notice of its intention at least 60 days prior to the date of closure, as required at § 483.75(r) of this chapter.

(3) The notice may state the intended date of termination which must be the first day of the month.

* * * * *

■ 10. Section § 489.53 is amended by—

■ A. Revising paragraph (d)(1).

■ B. Redesignating paragraph (d)(3) and paragraph (d)(4) as paragraph (d)(4) and paragraph (d)(5).

■ C. Adding a new paragraph (d)(3).

The revisions and additions read as follows:

§ 489.53 Termination by CMS.

* * * * *

(d) *Notice of termination*—(1) *Timing: basic rule.* Except as provided in paragraphs (d)(2) and (d)(3) of this section, CMS gives the provider notice of termination at least 15 days before the effective date of termination of the provider agreement.

* * * * *

(3) *Notice of LTC facility closure.* In the case of a facility where CMS terminates a facility's participation under Medicare or Medicaid in the absence of immediate jeopardy, CMS determines the appropriate date for notification.

* * * * *

■ 11. Section § 489.55 is revised to read as follows:

§ 489.55 Exceptions to effective date of termination.

(a) Payment is available for up to 30 days after the effective date of termination for:

(1) Inpatient hospital services (including inpatient psychiatric hospital services) and posthospital extended care services (except as specified in paragraph (b) of this section with respect to LTC facilities) furnished to a beneficiary who was admitted before the effective date of termination; and

(2) Home health services and hospice care furnished under a plan established before the effective date of termination.

(b) The Secretary may, as the Secretary determines is appropriate, continue to make payments with respect to residents of a long-term care facility that has submitted a notification of closure as required at § 483.75(r) of this chapter during the period beginning on the date such notification is submitted and ending on the date on which the residents are successfully relocated.

PART 498—APPEAL PROCEDURES FOR DETERMINATIONS THAT AFFECT PARTICIPATION IN THE MEDICARE PROGRAM AND FOR DETERMINATIONS THAT AFFECT THE PARTICIPATION OF ICFs/MR AND CERTAIN NFs IN THE MEDICAID PROGRAM

■ 12. The authority citation for part 498 is revised to read as follows:

Authority: Secs. 1102, 1128I and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

Subpart A—General Provisions

■ 13. Section 498.3 is amended by—

■ A. Adding a new paragraph (a)(2)(iv).

■ B. Revising paragraph (a)(3) introductory text and (a)(3)(ii).

■ C. Adding a new paragraph (b)(18).

The revisions and additions read as follows:

§ 498.3 Scope and applicability.

(a) * * *

(2) * * *

(iv) CMS's determination to impose sanctions on the individual who is the administrator of a NF for failure to comply with the requirements at § 483.75(r) of this chapter.

(3) The following parts of this chapter specify the applicability of the provisions of this part 498 to sanctions or remedies imposed on the indicated entities or individuals:

* * * * *

(ii) Part 488, subpart E (§ 488.330(e)) and subpart F (§ 488.446)—for SNFs and NFs and their administrators.

* * * * *

(b) * * *

(18) The level of noncompliance found by CMS with respect to the failure of an individual who is the administrator of a SNF to comply with the requirements at § 483.75(r) of this chapter, and the appropriate sanction to be imposed under § 488.446 of this chapter.

* * * * *

■ 14. Section 498.5 is amended by adding a new paragraph (m) to read as follows:

§ 498.5 Appeal rights.

* * * * *

(m) *Appeal rights of an individual who is the administrator of a SNF.* An individual who is the administrator of a SNF who is dissatisfied with the decision of CMS to impose sanctions authorized under § 488.446 of this chapter is entitled to a hearing before an ALJ, to request Board review of the hearing decision, and to seek judicial review of the Board's decision.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 18, 2010.

Donald M. Berwick,

Administrator, Centers for Medicare & Medicaid Services.

Approved: February 15, 2011.

Kathleen Sebelius,

Secretary.

[FR Doc. 2011–3806 Filed 2–17–11; 8:45 am]

BILLING CODE 4120–01–P

Proposed Rules

Federal Register
Vol. 76, No. 34
Friday, February 18, 2011

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0127; Directorate Identifier 2010–CE–065–AD]

RIN 2120–AA64

Airworthiness Directives; BURKHART GROB LUFT-UND Model G 103 C Twin III SL Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

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

The in-flight loss of a propeller and pulley wheel from the engine of a Grob G 103 C Twin III SL powered sailplane has been reported.

Grob Aircraft AG suspects that the possible reasons for this loss can be due to an incorrect propeller track (the play at the propeller tip) and/or to a damaged propeller nut securing plate.

Those conditions, if not corrected, could also result in loosening of parts and, consequently could result in damage to the sailplane and possible injury to persons on the ground.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

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

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

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

For service information identified in this proposed AD, contact GROB Aircraft AG, Lettenbachstrasse 9, 86874 Tussenhausen-Mattsies, Germany; telephone: +49 (0) 8268–998–0; fax: +49 (0) 8268–998–200; e-mail *productsupport@grob-aircraft.com;* Internet: *http://www.grob-aircraft.eu.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Examining the AD Docket

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

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

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–2011–0127; Directorate Identifier 2010–CE–065–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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2010–0107, dated June 11, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

The in-flight loss of a propeller and pulley wheel from the engine of a Grob G 103 C Twin III SL powered sailplane has been reported.

Grob Aircraft AG suspects that the possible reasons for this loss can be due to an incorrect propeller track (the play at the propeller tip) and/or to a damaged propeller nut securing plate.

Those conditions, if not corrected, could also result in loosening of parts and, consequently could result in damage to the sailplane and possible injury to persons on the ground.

For the reasons stated above, this AD requires to inspect the propeller assembly attachment, to verify that the propeller track is within the allowable tolerances and, depending on findings, to accomplish the relevant corrective actions.

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

Relevant Service Information

Burkhart Grob Luft-Und has issued the following documents. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI:

- Grob Aircraft Service Bulletin No. MSB–869–24/1, dated July 20, 2009;
- Grob Aircraft Service Letter SL–869–01, dated June 9, 2009;
- G 103 C Twin III SL Pilot's Operating Handbook (POH) (dated December 1991), pages 0.2A, 0.3, 0.4, and 4.9, Revision 6, dated July 20, 2009;
- G 103 C Twin III SL Maintenance Manual (dated December 1991), page 6.12, Revision 9, dated May 24, 2002;

and pages 0.1A, 0.2, 0.3, 4.2, and 6.6, Revision 10, dated December 15, 2006.

FAA's Determination and Requirements of the Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this proposed AD will affect 4 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $680, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 6 work-hours and require parts costing $100, for a cost of $610 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

BURKHART GROB LUFT-UND: Docket No. FAA–2011–0127; Directorate Identifier 2010–CE–065–AD.

Comments Due Date

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

Affected ADs

(b) None.

Applicability

(c) This AD applies to BURKHART GROB LUFT-UND G 103 C Twin III SL gliders, all serial numbers, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 61: Propellers/Propulsors.

Reason

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

The in-flight loss of a propeller and pulley wheel from the engine of a Grob G 103 C Twin III SL powered sailplane has been reported.

Grob Aircraft AG suspects that the possible reasons for this loss can be due to an incorrect propeller track (the play at the propeller tip) and/or to a damaged propeller nut securing plate.

Those conditions, if not corrected, could also result in loosening of parts and, consequently could result in damage to the sailplane and possible injury to persons on the ground.

For the reasons stated above, this AD requires to inspect the propeller assembly attachment, to verify that the propeller track is within the allowable tolerances and, depending on findings, to accomplish the relevant corrective actions.

Actions and Compliance

(f) Unless already done, within 30 days after the effective date of this AD, do the following actions:

(1) Update the glider documentation following Grob Aircraft Service Bulletin No. MSB–869–24/1, dated July 20, 2009, by inserting the following pages:

(i) *Into the G 103 C Twin III SL Pilot's Operating Handbook (POH) (dated December 1991):* pages 0.2A, 0.3, 0.4, and 4.9, Revision 6, dated July 20, 2009.

(ii) *Into the G 103 C Twin III SL Maintenance Manual* (dated December, 1991) *or FAA-approved maintenance program:* pages 0.1A, 0.2, 0.3, 4.2, and 6.6, Revision 10, dated December 15, 2006.

(2) Inspect for cracks at the bent area of the engaged tooth of the upper pulley wheel securing plate following the procedure to access the area found on page 6.12 of the G 103 C TWIN III SL Maintenance Manual, Date of Issue December, 1991, Revision 9, dated May 24, 2002, as specified in Grob Aircraft Service Letter SL 869–01, dated June 9, 2009.

(3) Verify that the propeller track (the play at the propeller tip) is within the allowable tolerances following the procedure on page 4.9 of the G 103 C TWIN III SL POH, Date of Issue December, 1991, Revision 6, dated July 20, 2009, as specified in Grob Aircraft Service Letter SL 869–01, dated June 9, 2009.

Note 1: The torque values and tolerances of the upper pulley wheel grooved nut have been standardized in the POH and maintenance manual.

(4) If the bent area of the engaged tooth of the upper pulley wheel securing plate has no crack found per the inspection of paragraph (f)(2) of this AD, but the propeller track value measured is not within the allowable tolerances per paragraph (f)(3) of this AD, before further flight, readjust the torque of the upper pulley wheel grooved nut using the updated aircraft technical documentation following the procedure on page 6.12 of the G 103 C TWIN III SL Maintenance Manual, Date of Issue December, 1991, Revision 9, dated May 24, 2002, as specified in Grob Aircraft Service Letter SL 869–01, dated June 9, 2009. Ensure accordingly that the propeller track is within the allowable tolerances following the procedure on page 4.9 of the G 103 C TWIN III SL POH, Date of Issue December, 1991, Revision 6, dated July 20, 2009, as specified in Grob Aircraft Service Letter SL 869–01, dated June 9, 2009. If the propeller track is out of the allowable tolerance, then contact GROB for further instructions.

(5) If any crack is found in the bent area of the engaged tooth of the upper pulley wheel securing plate per the inspection in paragraph (f)(2) of this AD, before further flight, do the following actions:

(i) Remove the upper pulley wheel grooved nut and then look at the securing plate to identify if other teeth are available to be bent to secure the grooved nut. Do not bend an already bent tooth. If all teeth of the securing plate are already bent, replace the securing plate with a serviceable one.

(ii) Screw back the upper pulley wheel grooved nut (and its securing plate) and tighten it, applying the torque following page 6.12 of the G 103 C TWIN III SL Maintenance Manual, Date of Issue December, 1991, Revision 9, dated May 24, 2002, as specified in Grob Aircraft Service Letter SL 869–01, dated June 9, 2009. Ensure accordingly that the propeller track is within the allowable tolerances following the procedure on page 4.9 of the G 103 C TWIN III SL POH, Date of Issue December, 1991, Revision 6, dated July 20, 2009, as specified in Grob Aircraft Service Letter SL 869–01, dated June 9, 2009. If the propeller track is out of the allowable tolerances, then contact GROB for further instructions.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

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

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

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

Related Information

(h) Refer to the following documents for related information:

(1) MCAI EASA AD No.: 2010–0107, dated June 11, 2010;

(2) Grob Aircraft Service Bulletin MSB 869–24/1, dated July 20, 2009;

(3) Grob Aircraft Service Letter SL–869–01, dated June 9, 2009;

(4) G 103 C Twin III SL Pilot's Operating Handbook (POH) (dated December 1991), pages 0.2A, 0.3, 0.4, and 4.9, Revision 6, dated July 20, 2009; and

(5) G 103 C Twin III SL Maintenance Manual (dated December 1991), page 6.12, Revision 9, dated May 24, 2002; and pages 0.1A, 0.2, 0.3, 4.2, and 6.6, Revision 10, dated December 15, 2006.

(i) For service information related to this AD, contact GROB Aircraft AG, Lettenbachstrasse 9, 86874 Tussenhausen-Mattsies, Germany; telephone: +49 (0) 8268–998–0; fax: +49 (0) 8268–998–200; e-mail *productsupport@grob-aircraft.com;* Internet: *http://www.grob-aircraft.eu.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Issued in Kansas City, Missouri, on February 11, 2011.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–3660 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–0115; Directorate Identifier 2010–NE–40–AD]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. ARRIEL 2B and 2B1 Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

Several cases of Gas Generator (GG) Turbine Blade rupture occurred in service on ARRIEL 2 twin engine applications and recently one on a single engine helicopter. For the case occurring in flight on a single engine helicopter (ARRIEL 2B1 engine), the pilot performed an emergency autorotation, landing the helicopter without further incident.

We are proposing this AD to prevent rupture of a GG turbine blade, which could result in an uncommanded in-flight shutdown and an emergency autorotation landing or accident.

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

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

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

Contact Turbomeca S.A., 40220 Tarnos, France; *e-mail: noria-dallas@turbomeca.com;* telephone 33 05 59 74 40 00, fax 33 05 59 74 45 15, or go to: *http://www.turbomeca-support.com* for the service information identified in this proposed AD.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; *e-mail: james.e.gray@faa.gov;* telephone (781) 238–7742; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2011–0115; Directorate Identifier 2010–NE–40–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 based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2010–0198, dated October 1, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

> Several cases of Gas Generator (GG) Turbine Blade rupture occurred in service on ARRIEL 2 twin engine applications and recently one on a single engine helicopter. For the case occurring in flight on a single engine helicopter (ARRIEL 2B1 engine), the pilot performed an emergency autorotation, landing the helicopter without further incident.
>
> The design of ARRIEL 2 engines (containment shield around the GG turbine) allows debris from a blade or the disc inter-blade area to be contained in the event of rupture. However, the rupture of a GG Turbine Blade may lead to an uncommanded In Flight Shut-Down which, on a single-engine helicopter, could ultimately lead to an emergency autorotation landing.
>
> The most probable root cause of the ruptures is an excitation of one of the vibration modes of the GG Turbine Blade in conjunction with several secondary contributing factors which are deemed sufficient to reduce the stress margin of the blade to a level consistent with the rate of occurrences of ruptures encountered.
>
> Turboméca has released TU166 modification which consists of inserting Blade dampers between the GG Turbine Disc and the GG Turbine Blade platform. Introduction of these dampers minimizes the effects of HP blade vibratory excitation and increases the blade tolerance for this type of stress.

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

Relevant Service Information

Turbomeca S.A. has issued Mandatory Service Bulletin A292 72 3166, Version B, dated September 20, 2010. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 537 products of U.S. registry. We also estimate that it would take about 60 work-hours per product to comply with this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $3,900 per product. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $4,833,000.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Turbomeca S.A.: Docket No. FAA–2011–0115; Directorate Identifier 2010–NE–40–AD.

Comments Due Date

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

Affected Airworthiness Directives (ADs)

(b) None.

Applicability

(c) This AD applies to Turbomeca S.A. ARRIEL 2B and 2B1 turboshaft engines not modified by TU166 modification. These engines are installed on, but not limited to, Eurocopter AS 350 B3 and EC 130 B4 helicopters.

Reason

(d) This AD results from:

Several cases of Gas Generator (GG) Turbine Blade rupture occurred in service on ARRIEL 2 twin engine applications and recently one on a single engine helicopter. For the case occurring in flight on a single engine helicopter (ARRIEL 2B1 engine), the pilot performed an emergency autorotation, landing the helicopter without further incident.

We are issuing this AD to prevent rupture of a GG turbine blade, which could result in an uncommanded in-flight shutdown and an emergency autorotation landing or accident.

Actions and Compliance

(e) Unless already done, do the following actions.

(1) Accomplish TU166 modification in accordance with the instructions specified within Turboméca Mandatory Service Bulletin (MSB) A292 72 3166 Version B, dated September 20, 2010, when the GG Turbine is replaced or when the engine or Module M03 is going through overhaul or repair, or within 1,300 cycles-in-service after the effective date of this AD, whichever occurs first.

(2) Accomplishment, before the effective date of this AD, of TU166 modification in accordance with the instructions of Turboméca MSB A292 72 3166 Version A, dated August 17, 2010, satisfies the requirement of paragraph (e)(1) of this AD.

FAA AD Differences

(f) This AD differs from the Mandatory Continuing Airworthiness Information (MCAI) and or service information by the following:

(1) European Aviation Safety Agency (EASA) AD No. 2010–0198, dated October 1, 2010, applies to the ARRIEL 2B1A engine. This AD does not apply to that model because it has no U.S. type certificate.

(2) EASA AD No. 2010–198 has a compliance date of "but no later than 25 months after the effective date of this AD. This AD has a compliance time of "1,300 cycles-in-service," based on average fleet usage data supplied by Turbomeca.

Other FAA AD Provisions

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

Alternative Methods of Compliance (AMOCs)

(h) The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(i) Refer to MCAI EASA Airworthiness Directive 2010–0198, dated October 1, 2010, and Turbomeca S.A. Mandatory Service Bulletins A292 72 3166, Version A, dated August 17, 2010, and A292 72 3166 Version B, dated September 20, 2010, for related information. Contact Turbomeca S.A., 40220 Tarnos, France; *e-mail: noria-dallas@turbomeca.com;* telephone 33 05 59 74 40 00, fax 33 05 59 74 45 15, or go to: *http://www.turbomeca-support.com,* for a copy of this service information.

(j) Contact James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; *e-mail: james.e.gray@faa.gov;* telephone (781) 238–7742; fax (781) 238–7199, for more information about this AD.

Issued in Burlington, Massachusetts, on February 14, 2011.

Peter A. White,

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

[FR Doc. 2011–3684 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

20 CFR Part 1001

RIN 1293–AA18

Uniform National Threshold Entered Employment Rate for Veterans

AGENCY: Veterans' Employment and Training Service, Labor.

ACTION: Notice of proposed rulemaking; request for comments.

SUMMARY: The Veterans' Employment and Training Service (VETS) of the Department of Labor (the Department) is proposing a rule to implement a uniform national threshold entered employment rate for veterans applicable to State employment service delivery systems. The Department undertakes this rulemaking in accordance with the Jobs for Veterans Act, which requires the Department to implement that threshold rate by regulation.

DATES: To ensure consideration, comments must be received on or before April 19, 2011.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) 1293–AA18, by any one of the three following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Mail/Hand Delivery/Courier:* Written comments, disk, and CD–ROM submissions may be mailed or delivered by hand delivery/courier to The Veterans' Employment and Training Service, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–1325, Washington, DC 20210.
- *Fax:* Comments may be submitted by fax, with a cover page to the attention of Patrick Hecker, at (202) 693–4755 (this is not a toll-free number).

Instructions: Please submit your comments by only one method. All submissions received must include the agency name, as well as RIN 1293–AA18. The Department will post all comments received on *http://www.regulations.gov* without making any change to the comments, including any personal information provided. The *http://www.regulations.gov* Web site is the Federal e-rulemaking portal and all comments posted there are available and accessible to the public. Therefore, the Department recommends that commenters safeguard their personal information such as Social Security Numbers, personal addresses, telephone numbers, and e-mail addresses. It is the responsibility of the commenter to safeguard his or her information. Also, please note that due to security concerns, postal mail delivery in Washington, DC, may be delayed. Therefore, in order to ensure that comments receive full consideration, the Department encourages the public to submit comments via the Internet as indicated above.

Docket: The Department will make all the comments it receives available for public inspection during normal business hours at the above address. If you need assistance to review the comments, the Department will provide you with appropriate aids such as readers or print magnifiers. The Department will make copies of the proposed rule available, upon request, in large print or electronic file on computer disk. The Department will consider providing the proposed rule in other formats upon request. To schedule

an appointment to review the comments and/or obtain the proposed rule in an alternate format, contact the office of Gordon Burke at (202) 693–4730 (VOICE) (this is not a toll-free number) or (202) 693–4760 (TTY/TDD). You may also contact Mr. Burke's office at the address listed above.

FOR FURTHER INFORMATION CONTACT: Patrick Hecker, State Grants Lead, Veterans' Employment and Training Service, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–1312, Washington, DC 20210, at *Hecker.Patrick@dol.gov,* or at (202) 693–4709 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The preamble to this proposed rule is organized as follows:

I. Background

On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law 107–288 (Nov. 7, 2002) was signed into law. Section 4(a)(1) of the JVA amended 38 U.S.C. 4102A to require that the Secretary of Labor "establish, and update as appropriate, a comprehensive performance accountability system (as described in subsection (f)) and carry out annual performance reviews of veterans employment, training, and placement services provided through employment service delivery systems, including through disabled veterans' outreach program specialists and through local veterans' employment representatives in States receiving grants, contracts, or awards under this chapter." 38 U.S.C. 4102A(b)(7).

Section 4102A(f) referred to in the statutory quote above requires the establishment of performance standards and outcome measures to measure the performance of State employment service delivery systems. Section 4101(7) of the statute defines "employment service delivery system" to include "labor exchange services * * * offered in accordance with the Wagner-Peyser Act." The Department interprets this definition to include the services delivered through the Wagner-Peyser State Grants, funded by the Employment and Training Administration (ETA), as well as the services delivered through the Jobs for Veterans State Grants (JVSG), funded by VETS. In addition, the Department interprets this definition to exclude the services funded through the Workforce Investment Act of 1998 (WIA) (Pub. L. 105–220).

Under section 4102A(f), the standards and measures used to assess performance of veterans' programs must be consistent with State performance measures applicable under section 136(b) of the WIA. 38 U.S.C. 4102A(f)(2)(A); *see* also WIA section 136(b) (codified at 29 U.S.C. 2871(b)). The basic standards and measures applied by the Department to measure performance under WIA are referred to in the State employment service delivery systems as "common measures." The current methods of calculating the common measures are specified in Training and Employment Guidance Letter (TEGL) No.17–05, issued on February 17, 2006. This TEGL can be accessed at *http://wdr.doleta.gov/directives/attach/TEGL17-05.pdf.* The common measures for adult workforce programs include a measure of the rate at which enrollees of State employment service delivery systems enter employment. This is referred to as the "entered employment rate" or EER. Under the common measures, there is a comparable EER specifically applicable to veterans and eligible persons. Application of that measure to all State employment service delivery systems is implemented each year through issuance of a Veterans' Program Letter (VPL), most recently VPL 08–10, issued on June 29, 2010, which established the reporting and performance measurement requirements for PY 2010. This VPL can be accessed at: *http://www.dol.gov/vets/VPLS/VPLDirectory.html.*

This Proposed Rule establishes a uniform national threshold only for the EER for veterans and eligible persons. If the calculation of the standards and measures applied by the Department to measure performance under WIA or under a successor program to WIA are revised in the future by the Department through issuance of policy guidance, the Proposed Rule provides that the revised method of calculating the EER for veterans and eligible persons will be used in calculating the uniform threshold EER for the purposes of the Proposed Rule. The method of calculating the uniform national threshold EER for veterans and eligible persons will be specified to State employment service delivery systems in the annual VPL, as mentioned above.

As part of its responsibility for measuring the performance of veterans' programs, the Department is required to establish a uniform national threshold EER to be used in determining whether a State is deficient with regard to its EER for veterans and eligible persons. Section 4102A(c)(3) of Title 38 provides:

> (A)(i) As a condition of a grant or contract under this section for a program year, in the case of a State that the Secretary determines has an entered employment rate for veterans that is deficient for the preceding program year, the State shall develop a corrective action plan to improve that rate for veterans in the State. (ii) The State shall submit the corrective action plan to the Secretary for approval, and if approved, shall expeditiously implement the plan. (iii) If the Secretary does not approve a corrective action plan submitted by the State under clause (i), the Secretary shall take such steps as may be necessary to implement corrective actions in the State to improve the entered-employment rate for veterans in that State. (B) To carry out subparagraph (A), the Secretary shall establish in regulations a uniform national threshold entered-employment rate for veterans for a program year by which determinations of deficiency may be made under subparagraph (A). (C) In making a determination with respect to a deficiency under subparagraph (A), the Secretary shall take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State.

The purpose of this Proposed Rule is to establish the uniform national threshold EER, as required of the Secretary in 38 U.S.C. 4102A(c)(3)(B), for use in determining deficiencies in States' performance in assisting veterans to meet their employment needs. The Proposed Rule also explains how the threshold will be used in the process of identifying those States to be reviewed for a potential determination of deficiency, and it identifies certain factors, in addition to the threshold, that will be included in the Department's review to determine deficiency. 38 U.S.C. 4102A(c)(3)(C). Finally, in those cases in which a State's EER is determined to be deficient, the Proposed Rule identifies the procedure for the subsequent submission and review of a corrective action plan (CAP), the delivery of technical assistance (TA), and the initiation of the necessary steps to implement corrective actions to improve the State's performance in assisting veterans to meet their employment needs. 38 U.S.C. 4102A(c)(3)(A).

VETS is the agency of the Department with principal responsibility for monitoring the performance of all State employment service delivery systems with respect to the services received and outcomes experienced by veterans. Since Program Year 2005 (July 1, 2005 through June 30, 2006), VETS has been collecting data from each State on the

EER achieved for veterans and eligible persons, and annually VETS calculates the national EER for veterans and eligible persons. VETS is taking this rulemaking action to establish the uniform national threshold EER now since the common measures, including the EER for veterans and eligible persons, have been in place for several years in the State employment service delivery systems and there is empirical data and a rational basis for proposing a uniform national threshold EER for veterans and eligible persons.

To establish the uniform national threshold, VETS has considered a variety of methodologies and has used actual EER results from Program Years 2005 through (3rd Quarter) 2009 in order to test the validity of the methodologies. VETS' goal was to establish a uniform national threshold that would meet five criteria: the threshold should produce reasonable results under varying economic conditions; the threshold should relate directly to the national EER because the national EER is the overall program performance measure related to entered employment rates; the threshold should identify State agencies whose EERs are demonstrably low; the threshold methodology should be easily explained and readily grasped; and the annual threshold-setting process should not conflict with or introduce confusion into the annual performance goal-setting process conducted between VETS and each State agency.

VETS first developed and tested a two-step process setting the uniform national threshold EER for veterans and determining which, if any State agencies would be subject to a formal review to determine whether or not a Corrective Action Plan would be required. First, VETS would compare each State's program year EER with the national EER for that program year. Then, the State's program year EER would be compared to the State's average EER for the prior three program years. Those two comparisons would provide the basis for identifying those States that would undergo further review of their program year EERs. By comparing each State's program year EER to the national EER for the same program year while also comparing each State's program year EER to its own average EER for the prior three program years, the process was intended to balance application of a standard criterion with application of a relative measure reflecting the variation among the States with respect to economic conditions and other relevant factors. However, empirical tests with State performance data from Program Years 2008 and 2009 demonstrated that this methodology did not produce reasonable results under the conditions created by the economic recession experienced during that period.

Another formula that was developed and tested involved averaging of the annual national EERs, measuring the percentage of change over time, and using the resultant change percentage as the uniform national threshold EER; that benchmark would be used for comparisons of the change percentages in the program year EERs achieved by each State for the same time period. This methodology added complexity to the process, and testing also demonstrated that averaging tends to skew the resultant measure up or down. Therefore, VETS determined that the use of a method involving averaging adds complexity without producing reasonable results.

VETS then looked at simpler designs for calculating and applying the uniform national threshold EER. One methodology used the national EER for the program year before the subject program year as the basis for calculating the threshold EER. The process would have involved simply setting the threshold at a particular percentage of the national EER from the prior year and comparing the State agencies' actual achievements in the subject program year to that threshold percentage. However, testing at several different levels, that is, percentages, indicated that using the prior year's national EER as the basis for a threshold also produces unreasonable results in years when there are relatively unusual declines or upturns in economic conditions.

VETS then tested and selected a similar one-step methodology using the national EER for the subject program year as the basis for calculating the threshold EER. VETS chose to propose a 90% (of the national EER) level as the threshold for identifying the State agencies to be subject to a deficiency review each year because testing of that threshold level most completely satisfies the five criteria stated above. Testing of higher and lower threshold levels (*e.g.,* 80 to 95% of the national EER) produced results that in one or more ways failed to satisfy those criteria.

II. Section-by-Section Review of the Proposed Rule

The Proposed Rule includes a total of eight sections. Sections 1001.160 through 1001.162 address the general aspects of the Proposed Rule, such as purpose, scope and definitions. Sections 1001.163 and 1001.164 address the two EER measures that are at the heart of the Proposed Rule: (a) A State's program year EER, which will be reviewed annually for each State against the national threshold EER; and (b) the uniform national threshold EER, which is the benchmark used in the annual review of each State's program year EER. VETS proposes to use the uniform national threshold EER as the criterion for evaluating each State's program year EER because this methodology is reasonable, easy to understand, and likely to promote continuous improvement in the entered employment outcomes achieved for veterans and eligible persons. Section 1001.165 states when the uniform national threshold EER will be published each year, and § 1001.166 explains how the two proposed EER measures will be used in the process of determining whether or not a State agency will be subject to a CAP in order to receive its next-due Jobs for Veterans State grant. Section 1001.167 addresses other monitoring of compliance regarding services to veterans.

What is the purpose and scope of this part? (§ 1001.160)

Section 1001.160 briefly describes the purpose of this regulation and supplies the citation of the requirement in the JVA. It also identifies the service providers to which this regulation applies, that is, the agencies that comprise State employment service delivery systems.

What definitions apply to this part? (§ 1001.161)

Section 1001.161 defines the terms used in this proposed rule. For purposes of this Proposed Rule, the Department is interpreting the statutory term "employment service delivery system" to include the employment service delivery infrastructure, personnel, and services provided through the combined funding of Wagner-Peyser State Grants and JVSGs, but excluding those delivery systems provided through WIA grants and governed by a separate performance system. A program year, which is the performance period applicable to State employment service delivery systems, is defined as the period from July 1 of a year through June 30 of the following year. A program year is numbered according to the calendar year during which it begins.

How does the Department define veteran for purposes of this subpart? (§ 1001.162)

The definition of veteran currently in effect for the State employment service delivery systems operating under the Wagner-Peyser and JVSG funding is

based on the definition of the term eligible veteran in 38 U.S.C. 4211(4), as referenced in 38 U.S.C. 4101(4). That definition of eligible veteran includes a criterion requiring the individual to have served over 180 days on active military duty. That definition of veteran currently applies to eligibility for JVSG services and also applies to the State employment service delivery systems (both the Wagner-Peyser and JVSG components) for program reporting purposes.

The JVA enacted a new priority of service requirement for veterans and eligible spouses in all employment and training programs funded by the Department. The Department has implemented that requirement through issuance of a final rule on veterans' priority of service at 20 CFR Part 1010. Section 1010.110 of that rule clarifies that the definition of veteran enacted for priority of service purposes at 38 U.S.C. 4215(a)(1)(A) refers to the definition of veteran at 38 U.S.C. 101(2), which does not include the criterion requiring over 180 days of active duty service. Section 1010.330(c)(2)(i) of the priority of service rule further specifies that the latter, less restrictive, definition of veteran will be applied in the future for reporting the services received and the outcomes experienced by veterans and eligible spouses served by employment and training programs funded by the Department.

In conjunction with issuance of the final rule on priority of service, the Department also published an Information Collection Request (ICR) which was approved by the Office of Management and Budget (OMB) under OMB Control Number 1205–0468. The reporting specifications authorized under that approval call for application of the less restrictive definition of veteran to the Wagner-Peyser component of State employment service delivery systems. The Department delayed implementing this new requirement in light of the impact of the current recession on the public workforce system, as well as the impact upon the system of the various initiatives in response to the recession, which were authorized under the American Recovery and Reinvestment Act. It is not certain when the Department will implement the new reporting specifications.

To accommodate the anticipated addition of the less restrictive veteran definition for reporting by the Wagner-Peyser component of State employment service delivery systems, the Department intends the proposed rule's definition of veteran to have two stages. The first stage will begin with application of the rule to the first program year that begins following the effective date of the final rule. During the first stage, all the EER measures implemented under the proposed rule will reflect the more restrictive veteran definition. The second stage will begin two years after the program year for which data are first collected and reported on the less restrictive veteran definition. For example, if priority of service reporting first applies to Wagner-Peyser for PY 2011, the second stage of implementation of the proposed rule will first apply for PY 2013. During the second stage, all the EER measures implemented under the proposed rule will reflect the less restrictive veteran definition. During the second stage of implementation, any veteran who meets the more restrictive definition will be considered to meet the less restrictive definition.

Applying the definition of veteran in two stages will enable immediate implementation of the uniform national threshold EER under the more restrictive veteran definition, while also establishing the necessary period for implementing the uniform national threshold EER using the less restrictive veteran definition. This addition of the new definition of veteran for the Wagner-Peyser component of State employment delivery systems will not increase the information collection burden for the States, nor will it alter the calculation, publication, or use of the EER for veterans and eligible persons, as described in the sections that follow.

When the less restrictive definition of veteran takes effect for these regulations and is applied to the Wagner-Peyser component of State employment service delivery systems as required by the priority of service final rule and the accompanying reporting specifications, the more restrictive definition (*i.e.,* 180+ days of active duty service) also will be retained. That is because the Secretary is required, by 38 U.S.C. 4107(c)(1), to report annually to the Senate and House Veterans' Affairs Committees on employment and training services for veterans. The statutory requirement for that report specifies that it is to include information on the characteristics, services and outcomes of "eligible" veterans who meet the more restrictive veteran definition. Therefore, unless that specific reporting requirement is amended through legislative action, the Wagner-Peyser component of State employment service delivery systems will be reporting information for veterans about their characteristics (such as their veteran status), services received and outcomes experienced, under both definitions.

What is the national entered employment rate (EER) and what is a State's program year EER for purposes of this part? (§ 1001.163)

This proposed section discusses the two EER measures that will be used in the evaluation process described by the proposed rule. Generally, an EER for veterans and eligible persons looks at the veterans and eligible persons who have participated in an employment service delivery system and then exited that system. The EER measures the number of these participants who are employed after exiting compared to the total number of the participants who exited. The calculation of the EER, as discussed above, is specified through Departmental policy guidance issued in TEGL No.17–05, which describes the calculation of all the common measures. The TEGL describes the entered employment rate as:

> Of those who are not employed at the date of participation: The number of adult participants who are employed in the first quarter after the exit quarter *divided* by the number of adult participants who exit during the quarter.

This Proposed Rule uses this calculation of the EER as applied to veterans and eligible persons who participate in State employment service delivery systems, consistent with VPL 08–10. This calculation is stated in proposed § 1001.163(b).

Using this calculation method, VETS annually calculates the national EER for veterans and eligible persons. As stated in proposed § 1001.163(c), the calculation of the national EER for veterans and eligible persons measures the employment results for the group of veterans and eligible persons who are not employed at the date of their participation in the nationwide set of State employment service delivery systems and then exit those systems during the set of four exit quarters that is associated with the EER measure for a specific four-quarter reporting period. This nationwide perspective on the State employment service delivery systems looks at all the employment service delivery systems in each State together as one national employment service delivery system. The national EER for veterans and eligible persons currently is computed by: (1) Summing, for the set of four exit quarters, the total number of these veterans and eligible persons who are employed in the first quarter after their exit quarter; (2) summing, for the set of four exit quarters, the total number of these veterans and eligible persons who exit

during the exit quarters; and, (3) dividing the first sum by the second sum. This measure currently is compiled by the Labor Exchange Reporting System (LERS), implemented by ETA, and currently is displayed in the cell that appears in Row 6 at Column A–4 of the ETA 9002–D Report, as defined in the ETA 9002 and VETS 200 DATA PREPARATION HANDBOOK; ET HANDBOOK NO. 406 (OMB Approval No.: 1205–0240; Expiration Date: 03/31/2012). The national EER resulting from this calculation is expressed as a percentage that is rounded to the nearest tenth of a percent.

A State's program year EER is the EER for veterans and eligible persons achieved by a single State's employment service delivery system for the program year under review. It is calculated using the same method as the national EER. A State's program year EER is discussed in proposed § 1001.163(d). A State's program year EER is expressed as a percentage that is rounded to the nearest tenth of a percent. For the balance of this preamble, a "State's program year EER" also may be referred to simply as a "program year EER."

Section 1001.163(b) of the Proposed Rule specifies that the method of calculation of the EER for veterans and eligible persons is established based on policy guidance issued by the Department. As indicated above, that method of calculation currently is: (a) Established by TEGL No. 17–05; (b) implemented for reporting purposes by ET HANDBOOK NO. 406; and, (c) applied to State employment service delivery systems for veterans and eligible persons by VPL 08–10. If the Department revises the calculation of the EER in the future through new policy guidance, the revised method of calculation will apply to the calculation of the national EER and a State's program year EER.

What is the uniform national threshold EER, and how is it calculated? (§ 1001.164)

The uniform national threshold EER is equal to 90% of the national EER for veterans and eligible persons (as defined in § 1001.163(c)).

As discussed above for § 1001.163 of the Proposed Rule, the method of calculating the EER for veterans and eligible persons is established through policy guidance. The Department may revise the method of calculating the EER through the issuance of new policy guidance. If this occurs, the uniform national threshold EER will remain 90% of that newly-calculated national EER for veterans and eligible persons.

VETS chose to propose the 90% (of the national EER) level as the threshold for identifying the State agencies to be subject to a deficiency review each year because testing of that threshold level (using the empirical data available) most completely satisfies the five criteria stated in the Background section above. Testing of higher and lower threshold levels (*e.g.,* 80 to 95% of the national EER) using empirical data from prior years produced results that in one way or another failed to satisfy those criteria.

When will the uniform national threshold EER be published? (§ 1001.165)

Complete, final program year results for the entered employment outcomes achieved by each State agency typically are compiled by VETS during the month of October following the end of each program year (on June 30). For each program year, VETS will: (a) Finalize its calculation of the uniform national threshold EER; (b) finalize its calculation of each State's program year EER; and, (c) when practicable, publish those results in December following the end of the program year.

How will the uniform national threshold EER be used to evaluate whether a State will be required to submit a corrective action plan (CAP)? (§ 1001.166)

The JVA requires that the Department develop a uniform national threshold EER by which determinations of deficiency may be made. 38 U.S.C. 4102A(c)(3)(B). If the Department determines that a State's program year EER is deficient, the State must develop a CAP. 38 U.S.C. 4102A(c)(3)(A)(i). The law requires the Secretary to take into account the annual unemployment data for the State and to consider other factors that may have affected the program year EER for veterans and eligible persons, such as prevailing economic conditions, before requiring a CAP. 38 U.S.C. 4102A(c)(3)(C).

The Department proposes to use a simple comparison process to identify those State agencies that need to undergo further review to determine whether their program year EERs are deficient, resulting in the need for a CAP. First, the Department will compare each State's program year EER with the uniform national threshold EER (90% of the national EER) for that program year. A State agency whose program year EER does not meet or exceed the uniform national threshold will be subject to a review by VETS to determine whether the program year EER is deficient. For those States whose program year EER is determined to be deficient, a CAP will be required.

VETS' review to determine deficiency will consider the degree to which the State's program year EER fell short of the uniform national threshold EER for that program year, as well as the annual unemployment data for the State. The review also may include other relevant factors, including other measures of prevailing economic conditions and regional economic conditions, other measures of workforce program performance, and/or any information the State may submit. The review will include consultation with VETS field staff about findings from their on-site reviews and desk audits of the State agency's implementation of policies and procedures for services to veterans. The review also may include consultation with staff affiliated with other agencies of the Department, as appropriate.

The determination that a program year EER for any State is deficient will be made on the basis of this review. Once a State's program year EER has been determined to be deficient, the governing statute envisions a cooperative relationship between that State and the Department. Evidence of that intent is the inclusion in the statute of specific authorization (at 38 U.S.C. 4102A(g)) for the Secretary to provide technical assistance (TA) to any State whose program year EER is determined to be deficient, including TA in the development of a CAP.

The following illustrates how the uniform national threshold EER and the State's program year EER will be compared. In these examples, the program year hypothetically is Program Year (PY) 2009, the national EER is 65.2%, and the uniform national threshold EER is 58.7%.

1. State agency #1 achieved a program year EER of 63.5%. This State would be exempt from a deficiency review based solely on the statistics because its program year EER exceeds the uniform national threshold EER.

2. State agency #2 achieved a program year EER of 58.7%. This State would be exempt from a deficiency review based solely on the statistics because its program year EER equals the uniform national threshold EER.

3. State #3 achieved a program year EER of 58.0%. This State would be considered subject to a deficiency review because it failed to meet or exceed the uniform national threshold EER.

If VETS' review determines a State's program year EER to be deficient, the State will be required, as a condition for receipt of the upcoming program year's JVSG grant, to submit a CAP to the Grant Officer's Technical Representative by June 30 of the year following the

calendar year in which the program year under review ended. For any State required to submit a CAP, VETS will provide TA in the development of the CAP. The Department's review and (as required) comment on the CAP will be handled in conjunction with the Department's review of that State's annual application for funds under the JVSG program for the upcoming fiscal year (which begins on October 1 of the year following the calendar year in which the program year under review ended). Based on review of the CAP submitted, VETS may provide additional TA to the State. If the CAP is approved, the approval of the CAP will be transmitted in conjunction with the approval of that State's JVSG funding for the upcoming fiscal year. The State then must expeditiously implement the CAP. If the CAP is not approved, VETS will take such steps as necessary to implement corrective actions to improve the State's EER for veterans and eligible persons. If the State fails to cooperate with these corrective actions, VETS may take any actions available to remedy non-compliance under 20 CFR part 658, subpart H. These are the compliance measures available to the Assistant Secretary for Veterans' Employment and Training through 20 CFR 1001.130(a).

In addition to the procedures specified in these regulations, will the Department be conducting any other monitoring of compliance regarding services to veterans? (§ 1001.167)

Yes. VETS, as the grantor agency for the JVSG, has primary responsibility for initiating comprehensive compliance and performance reviews of each State's employment service delivery system with respect to the services received and outcomes experienced by veterans. The specific procedures prescribed in this Proposed Rule are distinct from, but related to, that overall monitoring responsibility.

These procedures also relate in a somewhat different way to the joint monitoring of priority of service, to be conducted by VETS and ETA according to 20 CFR 1010.240(b). Specifically, if a State's program year EER is determined to be deficient for a given program year, that fact would be one of the elements considered in monitoring priority of service, since failure to fully implement priority of service could be one of the contributors to a deficient program year EER.

III. Administrative Information

Regulatory Flexibility Analysis, Executive Order 13272, and Small Business Regulatory Enforcement Fairness Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. Chapter 6, requires the Department to evaluate the economic impact of this proposed rule with regard to small entities. The RFA defines small entities to include small businesses, small organizations including not-for-profit organizations, and small governmental jurisdictions. The Department has determined, and has certified to the Chief Counsel for Advocacy, Small Business Administration, that the proposed rule does not impose a significant economic impact on a substantial number of such small entities, because this Rule would directly impact only States and the definition of small entities does not include States.

Executive Order 12866

Executive Order 12866 requires that for each "significant regulatory action" proposed by the Department, the Department conduct an assessment of the proposed regulatory action and provide OMB with the proposed regulation and the requisite assessment prior to publishing the regulation. A significant regulatory action is defined to include an action that will have an annual effect on the economy of $100 million or more, and/or an action that raises a novel legal or policy issue. The uniform national threshold EER implemented by this proposed rule will not have an annual effect on the economy of $100 million or more.

VETS estimates that the costs specifically attributable to submitting and implementing a CAP would be about one percent of a State agency's annual grant amount. Although VETS has not had recent experience with a CAP and associated costs, past experience suggests that one percent would be a reasonable estimate. States' JVSG grants average about $3 million per year, so a typical State agency would be expected to use an average of about $30,000 for CAP costs if a CAP were to be required. Based on an analysis of the number of States that in the past would have failed to meet the proposed uniform national threshold level, VETS estimates that there would be no more than four to six CAPS per year, and allowing for the possible inclusion of some of the State agencies from larger States whose funding levels exceed the average, VETS estimates that the upper range of the average annual total cost for CAPs will not exceed $200,000 to $300,000. Furthermore, if this estimate falls short of CAP development costs or if a CAP requires the State agency to fund additional services for which its JVSG is not adequate, the funds for developing the CAP or any additional services will be provided through VETS' routine reallocation procedure, which requires no additional appropriation and thus would have no net effect on the economy.

This Proposed Rule could raise a novel legal or policy issue arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. Therefore, the Department has submitted this Proposed Rule to OMB for review.

Paperwork Reduction Act

The purposes of the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* include minimizing the paperwork burden on affected entities. The PRA requires certain actions before an agency can adopt or revise the collection of information, including publishing a summary of the collection of information and a brief description of the need for and proposed use of the information. This rule will not require new or additional information collections, as defined in the Act, from the affected entities. The Department has determined that a State's obligation to develop and submit a CAP for approval does not qualify as a collection of information, as defined by 5 CFR 1320.3(c), because after receiving a determination of deficiency from VETS that excludes the systemic factors beyond the State's control, the State is required to develop and submit a CAP based on a self-diagnosis and prescription that addresses the unique set of deficiencies embodied in that State's policies and procedures. Therefore, a CAP does not qualify as a "collection of information" under 5 CFR 1320.3(c), because it does not result from identical questions nor is the content across multiple CAPs in any way identical. In addition, a CAP does not qualify as "information" under 5 CFR 1320.3(h) because the individuality of the information provided in each State's CAP is consistent with a response to a "request for facts or opinions addressed to a single person," which is excluded under 5 CFR 1320.3(h)(6).

Current reporting systems and requirements are not changed by this Proposed Rule. VETS will calculate the uniform national threshold EER using data from the existing approved data collection included in the ETA 9002 and VETS 200 DATA PREPARATION

HANDBOOK; ET HANDBOOK NO. 406 (OMB Approval No.: 1205–0240; Expiration Date: 03/31/2012). Therefore, this regulation does not impose on the State employment service delivery systems any new information collection that would require approval under the PRA.

Executive Order 13132

The Department has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism and has determined that it does not have "federalism implications." The rule does not "have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This proposed rule implements the uniform national threshold EER for veterans and eligible persons applicable to State employment service delivery systems. This proposed rule does nothing to alter either the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Accordingly, this proposed rule does not have "federalism implications."

Unfunded Mandates Reform Act of 1995

For purposes of the Unfunded Mandates Reform Act (UMRA) of 1995, this rule does not include any Federal mandate that may result in increased expenditures by State, local and Tribal governments, or by the private sector. As this proposed rule does not impose any unfunded Federal mandate, the UMRA is not implicated. As explained above, current reporting requirements on the States are not changed by this Proposed Rule. The Labor Exchange Reporting System (LERS) produces program year EER results for 52 of the 54 reporting State employment service delivery systems and calculates the first step toward a national EER, based on inclusion of those 52 reporting units. For each program year, VETS will supplement the results available from the LERS by: (a) Incorporating the program year EER results for the two States that are piloting a separate reporting system; and, (b) calculating the uniform national threshold EER based on inclusion of the results for all 54 reporting units. Therefore, this regulation does not impose any new reporting or calculation requirement upon the State employment service delivery systems. Some States may be required to institute corrective actions under this rule. However, such actions are required by statute. Moreover, the Department provides grant funds for the administration of the JVSG program which may be used for any costs associated with the imposition of a CAP.

Executive Order 13045

Executive Order 13045 concerns the protection of children from environmental health risks and safety risks. This proposed rule implements the uniform national threshold EER for veterans and eligible persons applicable to State employment service delivery systems funded by the Department. This proposed rule has no impact on safety or health risks to children.

Executive Order 13175

Executive Order 13175 addresses the unique relationship between the Federal Government and Indian Tribal governments. The order requires Federal agencies to take certain actions when regulations have "Tribal implications." The order defines regulations as having "Tribal implications" when they have substantial direct effects 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. The Department has reviewed this proposed rule and concludes that it does not have Tribal implications for purposes of Executive Order 13175, as it does nothing to affect either the relationship or the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Environmental Impact Assessment

The Department has reviewed this proposed rule in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the regulations of the Council on Environmental Quality (40 CFR part 1500), and the Department's NEPA procedures (29 CFR part 11). The proposed rule will not have a significant impact on the quality of the human environment, and thus the Department has not prepared an environmental assessment or an environmental impact statement.

Assessment of the Impact of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681), requires the Department to assess the impact of this rule on family well-being. A rule that is determined to have a negative effect on families must be supported with an adequate rationale. The Department has assessed this proposed rule and has determined that it will not have a negative effect on families.

Privacy Act

The Privacy Act of 1974 (5 U.S.C. 552a) provides safeguards to individuals for their personal information which the Government collects. The Act requires certain actions by an agency that collects information on individuals when that information contains personally identifying information such as Social Security Numbers or names. Because this proposed rule does not require a new collection of personally identifiable information, the Privacy Act does not apply in this instance.

Executive Order 12630

This proposed rule is not subject to Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, because it does not involve implementation of a policy with takings implications.

Executive Order 12988

This proposed rule has been drafted and reviewed in accordance with Executive Order 12988, Civil Justice Reform, and it will not unduly burden the Federal court system. The proposed regulation has been written so as to minimize litigation and provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

Executive Order 13211

This proposed rule is not subject to Executive Order 13211, because it will not have a significant adverse effect on the supply, distribution, or use of energy.

Plain Language

The Department drafted this proposed rule in plain language.

Catalog of Federal Domestic Assistance Number

State employment service delivery systems consist of three formula grant programs, operating within an integrated service delivery infrastructure. Each of these three programs has been assigned a Catalog of Federal Domestic Assistance (CFDA) Number. The three programs are the Employment Service/Wagner-Peyser Funded Activities (CFDA #17.207), the Disabled Veterans' Outreach Program (CFDA #17.801), and the Local Veterans'

Employment Representative Program (CFDA #17.804).

Signed at Washington, DC, this 10th day of February 2011.

Raymond M. Jefferson,

Assistant Secretary for Veterans' Employment and Training.

List of Subjects in 20 CFR Part 1001

Employment, Grant programs—Labor, Veterans.

For reasons stated in the preamble, the Department proposes to amend 20 CFR Chapter IX as follows:

PART 1001—SERVICES FOR VETERANS

1. The authority citation for part 1001 continues to read as follows:

Authority: 29 U.S.C. 49k; 38 U.S.C. chapters 41 and 42.

2. Add subpart G, consisting of §§ 1001.160 through 1001.167, to read as follows:

Subpart G—Purpose and Definitions

Sec.

Subpart G—Purpose and Definitions

§ 1001.160 What is the purpose and scope of this part?

(a) The purpose of this regulation is to fulfill the requirement of 38 U.S.C. 4102A(c)(3)(B) to establish a uniform national threshold entered employment rate (EER) achieved for veterans and eligible persons by the State employment service delivery systems. The Department will use the threshold rate as part of its process for determining whether a State's program year EER is deficient and whether a corrective action plan (CAP) will be required of a State employment service delivery system.

(b) This regulation is applicable to all State agencies that are recipients of Wagner-Peyser State Grants, and/or Jobs for Veterans State Grants.

§ 1001.161 What definitions apply to this part?

Department means the United States Department of Labor, including its agencies and organizational units and their representatives.

Eligible person, as defined at 38 U.S.C. 4101(5), means:

(1) The spouse of any person who died of a service-connected disability;

(2) The spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this chapter, is listed, pursuant to 37 U.S.C. 556 and regulations issued thereunder by the Secretary concerned, in one or more of the following categories and has been so listed for a total of more than ninety days:

(i) Missing in action,

(ii) Captured in line of duty by a hostile force, or

(iii) Forcibly detained or interned in line of duty by a foreign government or power; or

(3) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.

Employment service delivery system, as defined at 38 U.S.C. 4101(7), means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.

Jobs for Veterans Act (JVA) means Public Law 107–288, 116 Stat. 2033 (2002).

Jobs for Veterans State Grant (JVSG) means an award of Federal financial assistance by the Department to a State for the purposes of the Disabled Veterans' Outreach Program or the Local Veterans' Employment Representative Program.

Program year is the period from July 1 of a year through June 30 of the following year and is numbered according to the calendar year in which it begins.

§ 1001.162 How does the Department define veteran for purposes of this subpart?

The Department applies two definitions of veteran for the purposes of this subpart and has established two stages for the implementation of these definitions.

(a) The first stage of implementation begins with application of this subpart G to the first program year following [EFFECTIVE DATE OF THE FINAL RULE]. *As of that date,* Veteran is defined as it is in 38 U.S.C. 4211(4):

(1) A person who served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge;

(2) Was discharged or released from active duty because of a service-connected disability;

(3) As a member of a reserve component under an order to active duty pursuant to 10 U.S.C. 12301(a), (d), or (g), 12302, or 12304, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge; or

(4) Was discharged or released from active duty by reason of a sole survivorship discharge (as that term is defined in 10 U.S.C.1174(i)).

(b) The second stage of implementation begins with the first day of the program year that begins two years after the first day of the program year that State grantees begin collecting and maintaining data as required by 20 CFR 1010.330(c). As of that date, Veteran will be defined as it is for purposes of 38 U.S.C. 4215(a):

(1) A person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 U.S.C. 101(2).

(2) Active service includes full-time Federal service in the National Guard or a Reserve component, other than full-time duty for training purposes.

(c) During the second stage of implementation, any veteran who meets the definition specified in paragraph (a) of this section will be considered to meet the definition specified in paragraph (b) of this section.

(d) The Department will notify State grantees when they are required to begin implementing 20 CFR 1010.330(c).

§ 1001.163 What is the national entered employment rate (EER) and what is a State's program year EER for purposes of this part?

(a) For purposes of this part, the Department uses the EER for veterans and eligible persons. This is the EER as applied to veterans (as defined in § 1001.162) and eligible persons (as defined in § 1001.161) who are participants in State employment service delivery systems.

(b) The EER for veterans and eligible persons measures the number of the participants described in paragraph (a)

of this section who are employed after exiting an employment service delivery system compared to the total number of those participants who exited. The method of calculation will be established through policy guidance issued by the Department.

(c) The national EER for veterans and eligible persons is the EER achieved by the national State employment service delivery system for those veterans and eligible persons who are participants in all of the State employment service delivery systems for the program year under review. The national EER resulting from this calculation is expressed as a percentage that is rounded to the nearest tenth of a percent.

(d) A State's program year EER is the EER for veterans and eligible persons (as calculated in paragraph (b) of this section) achieved by a single State's employment service delivery system for those veterans and eligible persons who are included in the EER measure for that State's employment service delivery system for the program year under review. The program year EER resulting from this calculation is expressed as a percentage that is rounded to the nearest tenth of a percent.

§ 1001.164 What is the uniform national threshold EER, and how will it be calculated?

(a) The uniform national threshold EER for a program year is equal to 90% of the national EER for veterans and eligible persons (as defined in § 1001.163(c)).

(b) The uniform national threshold EER resulting from this calculation is expressed as a percentage that is rounded to the nearest tenth of a percent.

§ 1001.165 When will the uniform national threshold EER be published?

When practicable, the Veterans' Employment and Training Service (VETS) will publish the uniform national threshold EER for a given program year by the end of December of the calendar year in which that program year ends.

§ 1001.166 How will the uniform national threshold EER be used to evaluate whether a State will be required to submit a corrective action plan (CAP)?

(a) *Comparison.* Each State's program year EER will be compared to the uniform national threshold EER for that program year. State agencies that do not achieve a program year EER that equals or exceeds the national threshold EER (90% of the national EER) for the year under review will be subject to a review by VETS to determine whether the program year EER is deficient.

(b) *Review.* For each State whose program year EER is subject to review to determine deficiency, the review will consider the degree of difference between the State's program year EER and the uniform national threshold EER for that program year, as well as the annual unemployment data for the State as compiled by the Bureau of Labor Statistics.

(1) The review also may consider other relevant measures of prevailing economic conditions and regional economic conditions, as well as other measures of the performance of workforce programs and/or any information the State may submit.

(2) The review will include consultation with VETS field staff about findings from their on-site reviews and desk audits of State agency implementation of policies and procedures for services to veterans, and also may include consultation with staff affiliated with other agencies of the Department, as appropriate.

(c) *Requirement of a CAP.* A State whose program year EER is determined to be deficient will be required to submit a CAP to improve the State's performance in assisting veterans to meet their employment needs as a condition of receiving its next-due JVSG.

(1) Any State whose program year EER has been determined to be deficient will be notified by March 31 of the year following the calendar year in which the program year under review ended.

(2) For any State that is required to submit a CAP, VETS will provide technical assistance (TA) regarding the development of the CAP. The CAP must be submitted to the Grant Officer's Technical Representative by June 30 of the year following the calendar year in which the program year under review ended.

(3) VETS will review the CAP submitted by the State and determine whether to approve it or to provide additional TA to the State.

(i) If VETS approves the CAP, the State must expeditiously implement it.

(ii) If VETS does not approve the CAP, it will take such steps as are necessary to implement corrective actions to improve the State's EER for veterans and eligible persons.

(4) If a State fails to cooperate with the actions imposed by the Department under paragraph (c)(3)(ii) of this section, the Assistant Secretary for Veterans' Employment and Training may take any actions available to remedy non-compliance under 20 CFR 1001.130(a) (referring to the compliance measures discussed in 20 CFR part 658, subpart H).

§ 1001.167 In addition to the procedures specified in these regulations, will the Department be conducting any other monitoring of compliance regarding services to veterans?

Yes. VETS will continue to monitor compliance with the regulations related to veterans' priority of service at 20 CFR 1010.240(b) jointly with the Employment and Training Administration. If a State's program year EER is determined to be deficient for a given program year, that deficiency would constitute information to be considered in monitoring priority of service, since failure to fully implement priority of service could be one of the contributors to a deficient program year EER.

[FR Doc. 2011–3536 Filed 2–17–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. FDA–2000–P–0102, FDA–2000–P–0133, and FDA–2006–P–0033]

Health Claim; Phytosterols and Risk of Coronary Heart Disease

AGENCY: Food and Drug Administration, HHS.

ACTION: Extension of enforcement discretion.

SUMMARY: The Food and Drug Administration (FDA) is extending the period of time that it intends to exercise enforcement discretion, concerning the use of the health claim for phytosterols and risk of coronary heart disease (CHD), in a manner that is consistent with FDA's February 14, 2003, letter of enforcement discretion to Cargill Health and Food Technologies. In the proposed rule for this health claim that published on December 8, 2010 (75 FR 76526), the Agency provided a period of 75 days from the date of publication of the proposed rule during which FDA intended to exercise its enforcement discretion for the use of such claim consistent with the 2003 letter. FDA is extending this period during which the Agency intends to exercise enforcement discretion to February 21, 2012.

DATES: Submit either electronic or written comments by April 19, 2011.

ADDRESSES: Submit electronic comments 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: Blakeley Fitzpatrick, Center for Food Safety and Applied Nutrition (HFS–830), 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2176.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 8, 2000 (65 FR 54686), FDA issued an interim final rule (IFR) authorizing a health claim for plant sterol/stanol esters and CHD. Among other requirements, the Agency established in the IFR that spreads and dressings for salads must contain at least 0.65 grams (g) of plant sterol esters per reference amount customarily consumed (RACC) to be eligible to bear the health claim and that spreads, dressings for salad, snack bars, and dietary supplements in soft gel form must contain at least 1.7 g of plant stanol esters per RACC to be eligible to bear the health claim.

The Agency received a letter, dated January 6, 2003, from Cargill Health and Food Technologies requesting that FDA issue a letter stating its intention not to enforce certain requirements in the IFR (Ref. 1). The letter cited new scientific evidence and comments submitted to FDA in the plant sterol/stanol esters health claim rulemaking in support of extending the authorized health claim to all forms and sources of phytosterols, and product forms that may effectively reduce blood cholesterol levels. In response to the letter submitted by Cargill and other comments received to the IFR, the Agency issued a letter of enforcement discretion on February 14, 2003 (the 2003 letter). In such letter, the Agency explained that it would consider exercising enforcement discretion, pending publication of the final rule, with respect to certain requirements of the health claim. Specifically, the Agency stated it would consider such discretion with regard to the use of the claim in the labeling of a phytosterol-containing food, including foods other than those specified in § 101.83(c)(2)(iii)(A) (21 CFR 101.83(c)(2)(iii)(A)), if: (1) The food contains at least 400 milligrams (mg) per RACC of phytosterols; (2) mixtures of phytosterol substances (*i.e.,* mixtures of sterols and stanols) contain at least 80 percent beta-sitosterol, campesterol, stigmasterol, sitostanol, and campestanol (combined weight); (3) the food meets the requirements of § 101.83(c)(2)(iii)(B) through (c)(2)(iii)(D); (4) products containing phytosterols, including mixtures of sterols and stanols in free forms, use a collective term in lieu of the terms required by § 101.83(c)(2)(i)(D) in the health claim to describe the substance (*e.g.,* "plant sterols" or "phytosterol"); (5) the claim specifies that the daily dietary intake of phytosterols that may reduce the risk of CHD is 800 mg or more per day, expressed as the weight of free phytosterol; (6) vegetable oils for home use that exceed the total fat disqualifying level can bear the health claim along with a disclosure statement that complies with 21 CFR 101.13; and (7) the use of the claim otherwise complies with § 101.83. Thus, the 2003 letter described intended enforcement discretion with respect to (1) different forms and mixtures of phytosterols in a wider variety of products and (2) the use of the claim on foods containing lower levels of phytosterols than set forth in the IFR.

In the **Federal Register** of December 8, 2010 (75 FR 76526), the Agency issued a proposed rule that, if finalized, would amend § 101.83. The proposed rule, in part, responds to a petition received on May 5, 2006, and it also includes the evaluation of new scientific data that was not available when the IFR was published.

The Agency stated in the proposed rule for the phytosterols and risk of CHD health claim that, pending issuance of a final rule, FDA intends to consider the exercise of its enforcement discretion on a case-by-case basis when a health claim regarding phytosterols and CHD is made in a manner that is consistent with the proposed rule (75 FR 76526 at 76546).

The proposed rule also states that, beginning 75 days after the date of publication of the proposed rule (February 21, 2011), FDA does not intend to exercise its enforcement discretion based on the 2003 letter. Therefore, starting on February 21, 2011, all products bearing the health claim must be in compliance with § 101.83, or if the health claim is made in a manner that is consistent with the proposed rule, the Agency may exercise enforcement discretion.

In the proposed rule, the Agency proposed to make several changes to the requirements for the nature of the food eligible to bear the claim that differ from the requirements in current § 101.83 and from the basis for enforcement discretion in the 2003 letter. Among other changes, FDA proposed to increase the amount of phytosterols that must be present in the food product from 0.4 to 0.5 g of phytosterols per RACC and to only allow the use of the claim in dietary supplements containing the esterified form of phytosterols.

Since publication of the proposed rule, the Agency has received requests from industry to extend the 75-day period from the date of publication of the proposed rule for the exercise of FDA enforcement discretion based on the 2003 letter.[1] In particular, many of the comments stated that 75 days was not enough time for industry to come into compliance with § 101.83 or to make the claim consistent with the proposed requirements in the proposed rule. FDA understands almost all dietary supplement products in the marketplace contain the free form of phytosterols, specifically in solid tablet dosage forms. One reason that the free form is used more frequently in the production of dietary supplements is because it has less bulk, and therefore, manufacturers can produce smaller pills that are easier for consumers to swallow. Based on the totality of publicly available scientific evidence for the cholesterol-lowering effects of nonesterified phytosterols in dietary supplements at the time that the proposed rule was published, the Agency determined that the evidence was inconsistent and tentatively concluded that the scientific evidence for the relationship between dietary supplements containing nonesterified phytosterols and CHD did not meet the significant scientific agreement standard. The Agency, therefore, proposed to amend § 101.83(c)(2)(iii)(B) to make the use of the health claim available only to phytosterol ester-containing dietary supplements that meet all of the specific requirements in § 101.83. Therefore, based on the

[1] The agency received two letters from trade associations representing dietary supplement manufacturers and distributors. One was submitted by the Council for Responsible Nutrition on December 22, 2010, seeking an extension of the Agency's enforcement discretion based on the 2003 letter and one was submitted by the Consumer Healthcare Products Association on January 31, 2011, requesting that FDA permit manufacturers of dietary supplement products with claims regarding free phytosterols and heart disease that were marketed prior to December 8, 2010 (the date of issuance of the proposed rule), to continue marketing of such products until a final rule is published. In addition, the Agency received two petitions for an administrative stay of action, one from Cargill, Inc., dated January 7, 2011 ("Cargill petition"), and another from Pharmachem Laboratories, Inc., dated January 28, 2011 ("Pharmachem petition") (Docket Nos. FDA–2000–P–0102, FDA–2000–P–0133, and FDA–2006–P–0033). The Agency is currently considering these petitions. This document does not represent a decision on the petitions, in whole or in part. We note that Cargill, Inc., and Pharmchem Laboratories, Inc., both requested in their petitions that FDA stay rescission of enforcement discretion under the 2003 letter pending issuance of the final rule. FDA's decision set forth in this document to extend consideration of enforcement discretion based on the 2003 letter until February 21, 2012, is consistent with Cargill and Pharmachem's requests except for the duration of the Agency's enforcement discretion.

Agency's determination in the proposed rule, dietary supplements containing the free form of phytosterols would have to be relabeled or reformulated by February 21, 2011. The comments that the Agency received from industry stated that 75 days is not enough time to reformulate or relabel dietary supplements containing free phytosterols and requested that FDA consider extending its enforcement discretion for the use of the health claim in a consistent manner with the 2003 letter.

The Agency also understands that there are many conventional foods currently available in the marketplace that contain phytosterols at a level of 0.4 g free phytosterol equivalents per RACC. These foods contain phytosterol ingredients that have not been the subject of a generally recognized as safe (GRAS) notification letter to which the Agency had no further questions at a level greater than 0.4 g free sterol equivalents per RACC. A level of 0.4 g free sterol equivalents per RACC is less than the new proposed requirement of 0.5 g of phytosterols per RACC, based on the nonesterified weight of phytosterols. Products with 0.4 g free sterol equivalents per RACC would also have to be reformulated or relabeled beginning on February 21, 2011.

Based on these concerns about reformulation and relabeling during a 75-day period, FDA considers it appropriate to extend the period of time that it intends to exercise enforcement discretion based on the 2003 letter. FDA intends to exercise enforcement discretion until February 21, 2012, with regard to the use of a claim about reduced risk of CHD in the labeling of a phytosterol-containing food, including foods other than those specified in § 101.83(c)(2)(iii)(A), based on the factors set forth in the 2003 letter for the use of such claim in the labeling of food. Information submitted by industry and trade associations about the amount of time necessary to reformulate, relabel, and to submit a GRAS notification in addition to the Agency's experience with the economic impact of labeling and reformulation changes on industry have served as the basis for the Agency's extension of the period during which it intends to exercise enforcement discretion to February 21, 2012, based on the 2003 letter. This document does not change how FDA intends to consider exercising its enforcement discretion when claims are made consistent with the proposed requirements in the proposed rule. Rather, this document only relates to FDA's enforcement discretion based on the 2003 letter, and FDA will determine what, if any, further action is necessary, pending its review of the Cargill and Pharmachem petitions. Food bearing the health claim would be required to comply with any revised requirements established in the final rule when the final rule becomes effective.

References

1. Center for Food Safety and Applied Nutrition, Food and Drug Administration. Letter of Enforcement Discretion from FDA to Cargill Health & Food Technologies. Docket No. FDA–2000–P–0102, document ID DRAFT–0059 (formerly 2000P–1275/LET3) and Docket No. FDA–2000–P–0133, document ID DRAFT–0127 (formerly 2000P–1276/LET4). February 14, 2003.

Dated: February 14, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–3678 Filed 2–17–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 211, 212, and 252

Defense Federal Acquisition Regulation Supplement; Reporting of Government-Furnished Property (DFARS Case 2009–D043)

AGENCY: Defense Acquisition Regulations System; Department of Defense (DoD).

ACTION: Proposed rule; extension of comment period.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to revise and expand reporting requirements for Government-furnished property to include items uniquely and non-uniquely identified, and to clarify policy for contractor access to Government supply sources.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 8, 2011, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2009–D043, using any of the following methods:

Regulations.gov: http://www.regulations.gov.

Submit comments via the Federal eRulemaking portal by inputting "DFARS Case 2009–D043" under the heading "Enter keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "DFARS Case 2009–D043." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "DFARS Case 2009–D043" on your attached document.

E-mail: dfars@osd.mil. Include DFARS Case 2009–D043 in the subject line of the message.

Fax: 703–602–0350.

Mail: Defense Acquisition Regulations System, Attn: Ms. Clare Zebrowski, OUSD (AT&L) DPAP/DARS, 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Clare Zebrowski, Telephone 703–602–0289; facsimile 703–602–0350. Please cite DFARS Case 2009–D043.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published a proposed rule in the **Federal Register** on December 22, 2010 (75 FR 80426), with a request for comment by February 22, 2011. DoD is extending the comment period for 45 days to provide additional time for interested parties to review the proposed DFARS changes. DoD is planning a public meeting and detailed information on the meeting will be published in the **Federal Register** at a later date.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2011–3727 Filed 2–17–11; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[EP 542 (Sub-No. 18)]

Regulations Governing Fees for Services

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board proposes to amend the regulations governing user fees for

services. The proposed amendment would set the fee for certain formal complaints at $350.

DATES: Comments on this proposal are due by April 19, 2011; and replies are due by May 19, 2011.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-Filing link on the Board's Web site, at *http://www.stb.dot.gov.* Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 542 (Sub-No. 18), 395 E Street, SW., Washington, DC 20423–0001.

Copies of paper comments will be available for viewing and self-copying at the Board's Public Docket Room, Room 131; paper and electronic copies will be posted to the Board's Web site.

FOR FURTHER INFORMATION CONTACT: Valerie Quinn at 202–245–0382. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Board sets user fees in accordance with the Independent Offices Appropriation Act of 1952 (IOAA). The IOAA directs agencies such as the Board to establish fees for specific services that it provides to identifiable recipients, so that the service provided may be "self-sustaining to the extent possible." 31 U.S.C. 9701(a). The fees must be "fair" and be based on a variety of factors, including (but not limited to) the costs to the agency of each covered service, public policy or interest served, and the value of the service to the entity receiving it. 31 U.S.C. 9701(b). The Board's fees transfer some of the cost of funding the agency from the general taxpayer to the entity receiving the benefit of a particular Board action.[1]

Historically, certain fees have been set at levels below the full cost. For example, fee sub-item 58(i), a petition for declaratory order involving a dispute over an existing rate or practice, and fee sub-item 58(ii), all other petitions for declaratory order, were held at $1,000 and $1,400, respectively, well below full cost to agency, to avoid any possible "chilling effect" [2] that higher fees would have on access by shippers and consumers to the Board's adjudicatory process. *See Regulations Governing Fees for Servs. Performed in Connection With Licensing and Related Servs.,* 1 S.T.B. 179, 199–200 (1996). Filing fees for formal complaints generally have been set based on a percentage of the full cost. *Id.* at 195–99. Since 2008, pursuant to Congressional directive, we have held the fees for all rate complaints at or below $350, the level of filing fees for complaints in district court. Fees for competitive access complaints and complaints seeking establishment of a common carrier rate are also below $350.

Thus, in our current fee structure, we have a large gap between the relatively low fees for most complaints and for petitions for declaratory orders and the $20,600 fee for all other formal complaints, a gap that is not good public policy. Therefore, the Board proposes to lower the fee for sub-item 56(iv) [all other formal complaints except competitive access] from $20,600 to $350. Under this proposal, the fee for sub-items 56(i) [full Stand-Alone Cost rate complaints] and 56(ii) [Simplified-SAC rate complaints] would be set at $350, and the fee for sub-item 56(iii) [Three Benchmark rate complaints], the most likely path to rate relief for small shippers, would remain at $150.

We believe three sound public policy considerations call for the Board to set relatively low fees for filing a complaint. Under the ICC Termination Act of 1995,[3] Congress eliminated authority previously held by the ICC to initiate investigations of alleged illegal or unreasonable rates or practices. As a result, the filing of a complaint by shippers or other entities is the Board's only mechanism for investigating and addressing potential rate violations or other unlawful practices.

Second, it is possible that the relatively high fees for filing formal complaints under item 56(iv)—currently $20,600—may be having a chilling effect on shippers and other entities seeking to bring a complaint to the Board. For example, over the past 10 years, our Rail Consumer and Public Assistance unit has assessed hundreds of informal complaints related to service and demurrage, and although many have been successfully resolved, several that were unresolved did not become the subjects of formal complaints. While we presume that some of these cases were not brought before the Board for reasons unrelated to fees, the proposed fee amendment would minimize any chilling effect of high fees, and encourage outside parties to bring potential regulatory violations before the Board for adjudication.

Finally, the proposed amendment should result in better management of the Board's docket and use of Board resources. Maintaining comparatively low filing fees for petitions for declaratory orders, coupled with the high fee for complaints (other than rate or competitive access complaints) under fee item 56(iv), appears to have led parties to seek broad declarations by the Board rather than asking the Board to resolve individual complaints. In some cases, an individual complaint may have been preferable and the Board's fee structure should not be the deciding factor in a party's decision of what type of case to bring.

While not part of the changes proposed here, we intend, in a future proceeding, to consider revising the fees for declaratory order proceedings to better reflect the cost of these proceedings to the agency. However, to encourage courts to continue to seek our advice, when appropriate, under the doctrine of primary jurisdiction, and so as not to unduly burden parties, we also intend to establish a new, comparatively low fee item for petitions for declaratory order that result from court referrals.

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. In drafting a rule an agency is required to: (1) Assess the effect that its regulation will have on small entities; (2) analyze effective alternatives that may minimize a regulation's impact; and (3) make the analysis available for public comment. 5 U.S.C. 601–604. In its notice of proposed rulemaking, the agency must either include an initial regulatory flexibility analysis, 5 U.S.C. 603(a), or certify that the proposed rule will not have a "significant impact on a substantial number of small entities," 5 U.S.C. 605(b). The impact must be a direct impact on small entities "whose conduct is circumscribed or mandated" by the proposed rule. *White Eagle Coop. Ass'n* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009).

Though these rules may impact some small entities because they may be subject to a filing fee, the fees proposed above would change only the fee for "all other formal complaints except competitive access complaints," by reducing that fee from $20,600 to $350. Accordingly, pursuant to 5 U.S.C.

[1] The fees established by the Board for specific services offset the Board's appropriated funding, and do not directly add to it.

[2] The Interstate Commerce Commission (ICC) previously defined a "chilling effect" as the level at which the filing fee represents a significant factor in determining whether to bring a complaint. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing and Related Servs.,* 1 I.C.C. 2d 196, 198 (1984).

[3] Public Law 104–88, 109 Stat. 803 (1995).

605(b), the Board certifies that the regulations proposed herein would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration, Washington, DC 20416.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources. This rulemaking will affect the following subjects:

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information.

Decided: February 14, 2011.

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

Jeffrey Herzig,

Clearance Clerk.

Code of Federal Regulations

For reasons set forth in the preamble, the Surface Transportation Board proposes to amend part 1002 of title 49, chapter X of the Code of Federal Regulations as follows:

PART 1002—FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and § 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a). Section 1002.1(g)(11) also issued under 5 U.S.C. 5514 and 31 U.S.C. 3717.

2. In § 1002.2, revise paragraph (f)(56)(iv) to read as follows:

§ 1002.2 Filing fees.

* * * * *

(f) * * *

Type of proceeding	Fee
* * * * * * *	
PART V: Formal Proceedings	
* * * * * * *	
(56) * * *	
(iv) All other formal complaints (except competitive access complaints)	$350
* * * * * * *	

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[FR Doc. 2011–3716 Filed 2–17–11; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 22

[FWS–R9–MB–2011–N018; 91200–1231–9BPP]

RIN 1018–AX53

Migratory Birds; Draft Eagle Conservation Plan Guidance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability for public comment of draft Eagle Conservation Plan Guidance. The Guidance provides recommendations for agency staff and developers to use an iterative process to avoid and minimize negative effects on eagles and their habitats resulting from the construction, operation and maintenance of land-based, wind energy facilities in the United States.

DATES: We must receive any comments or suggestions by the end of the day on May 19, 2011.

ADDRESSES: We have posted our draft *Eagle Conservation Plan Guidance* at *http://www.fws.gov/windenergy.* You may submit e-mail comments to *windenergy@fws.gov.* Please include "Eagle Conservation Plan Guidance Comments" in the subject line of the message, and your full name and return address in the body of your message. Please note that the e-mail address will be closed when the public comment period closes. Alternatively, you may submit comments or recommendations by mail to: Attention: Eagle Conservation Plan Guidance; Division of Migratory Bird Management; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Mail Stop 4107; Arlington, VA 22203–1610.

FOR FURTHER INFORMATION CONTACT: Jerome Ford, 703–358–2583.

SUPPLEMENTARY INFORMATION: The Service is charged with implementing statutes including the Bald and Golden Eagle Protection Act (BGEPA), the Migratory Bird Treaty Act, and the Endangered Species Act. BGEPA prohibits all take of eagles unless otherwise authorized by the Service. A goal of BGEPA is to achieve and maintain stable or increasing populations of bald and golden eagles. The draft Eagle Conservation Plan Guidance (draft Guidance) interprets and clarifies the permit requirements in the regulations at 50 Code of Federal Regulations (CFR) 22.26 and 22.27, and does not impose any binding requirements beyond those specified in the regulations. The draft Guidance provides a means of compliance with BGEPA by providing recommendations for:

(1) Conducting early pre-construction assessments to identify important eagle use areas;

(2) Avoiding, minimizing, and/or compensating for potential adverse effects to eagles; and,

(3) Monitoring for impacts to eagles during construction and operation.

The draft Guidance calls for scientifically rigorous surveys, monitoring, risk assessment, and research designs proportionate to the risk to eagles. The draft Guidance describes a process by which wind energy developers can collect and analyze information that could lead to a programmatic permit to authorize unintentional take of eagles at wind energy facilities. The process described here is not required, but project proponents should coordinate closely with the Service concerning alternatives to insure that eagle conservation plans conform with requirements of BGEPA. The Service will initiate a peer review of the draft Guidance during the public comment period.

The development of facilities to generate electricity from wind turbines has increased dramatically in the range

of the golden eagle in the western United States. Golden eagles are vulnerable to collisions with wind turbines. Because of this risk, many of the current and planned wind facilities require permits under the Bald and Golden Eagle Protection Act to legally authorize any take of eagles that may occur. We are soliciting comments and recommendations on our draft *Eagle Conservation Plan Guidance.*

We request comments and suggestions on the *Guidance.* We anticipate preparing further guidance to address incidental eagle takes under other circumstances. Explaining the reasons and rationale for your comments where appropriate will help as we consider them.

We will take into consideration the relevant comments, suggestions, or objections that we receive by the comment due date indicated above in the **DATES** section. These comments, suggestions, or objections, and any additional information received may lead us to adopt a final guidance that differs from this guidance.

Public Availability of Comments

Before including your address, phone number, e-mail 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. You can ask us in your comment to withhold your personal identifying information from public review, but we cannot guarantee that we will be able to do so.

As published elsewhere in today's **Federal Register**, the Service is simultaneously soliciting comments on the draft Land-based Wind Energy Guidelines.

Authority: The authorities for this notice are the Migratory Bird Treaty Act, 40 Stat. 755 (16 U.S.C. 703–712); Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712(2)); Pub. L. 106–108, 113 Stat. 1491, Note Following 16 U.S.C. 703; the Bald and Golden Eagle Protection Act (16 U.S.C. 668a–d), 704, 712, 742j–1, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; and 31 U.S.C. 9701.

Dated: January 31, 2011.

Rowan Gould,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2011–3700 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 101124579–1088–01]

RIN 0648–BA51

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Red Snapper Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule that would implement a regulatory amendment (Regulatory Amendment 10) to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), as prepared by the South Atlantic Fishery Management Council (Council). This proposed rule would remove the snapper-grouper area closure implemented through Amendment 17A to the FMP. The intended effect of this proposed rule is to help achieve optimum yield (OY) for the fishery and minimize socio-economic impacts to snapper-grouper fishermen, without increasing the risk of the red snapper resource experiencing overfishing.

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

ADDRESSES: You may submit comments on the proposed rule identified by 0648–BA51 by any of the following methods:

- *Electronic submissions:* Submit electronic comments via the Federal e-Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Rick DeVictor, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-rulemaking portal: *http://www.regulations.gov,* enter "NOAA–NMFS–2010–0249" in the keyword search, then check the box labeled "Select to find documents accepting comments or submissions", then select "Send a comment or submission". NMFS will accept anonymous comments (enter N/A in the required field if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Comments received through means not specified in this rule will not be considered.

Copies of the regulatory amendment, which includes an environmental assessment and a regulatory impact review, may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; telephone 843–571–4366; fax 843–769–4520; e-mail *safmc@safmc.net;* or may be downloaded from the Council's Web site at *http://www.safmc.net/.*

FOR FURTHER INFORMATION CONTACT: Rick DeVictor, 727–824–5305.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic is managed under the FMP. The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the OY from Federally managed fish stocks. These mandates are intended to ensure fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, and protecting marine ecosystems. To further this goal, the Magnuson-Stevens Act requires fishery managers to end overfishing of stocks while achieving OY from the fishery, and to minimize bycatch and bycatch mortality to the extent practicable.

In the South Atlantic, the red snapper stock is currently overfished and undergoing overfishing. The stock status was determined through a Southeast Data Assessment and Review (SEDAR) benchmark stock assessment for red snapper, SEDAR 15, which was completed in February 2008. Based on this stock assessment, Amendment 17A to the FMP was developed to end the overfishing of red snapper and rebuild the stock. The final rule to implement

Amendment 17A was published in the **Federal Register** on December 9, 2010 (75 FR 76874). The management measures implemented through the final rule included a prohibition on the harvest and possession of red snapper in or from the South Atlantic exclusive economic zone (EEZ) (and in State or Federal waters for a vessel with a Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper), a requirement for the use of non-stainless steel circle hooks when fishing for snapper-grouper species with hook-and-line gear north of 28° N. latitude in the South Atlantic EEZ, and an area closure for South Atlantic snapper-grouper. The snapper-grouper area closure includes 4,827 square miles (7,768 square km) off the coasts of southern Georgia and northeast Florida where the harvest and possession of snapper-grouper species would be prohibited, except when fishing with black sea bass pot gear or spearfishing gear for species other than red snapper.

Through the SEDAR 24 benchmark stock assessment, updated information on the status of the red snapper stock became available in late October 2010. The SEDAR 24 assessment incorporated the high landings from recent years, as well as new information regarding the selectivity of older and larger red snapper to hook-and-line gear, post-release mortality data, and methodologies for estimating historic landings of red snapper. The Council's Scientific and Statistical Committee (SSC) reviewed the new assessment in November 2010 and endorsed model runs in the assessment that suggest the snapper-grouper area closure could be modified without compromising the objective of ending red snapper overfishing. Modifying the area closure would also minimize negative socio-economic effects on snapper-grouper fishing communities. The SEDAR 24 assessment has determined, similar to SEDAR 15, that the red snapper stock is overfished and undergoing overfishing, however, the rate of overfishing found in SEDAR 24 is less than the rate of overfishing found in the previous stock assessment (SEDAR 15).

Given the information in the new stock assessment, an emergency rule to delay the effective date of the snapper-grouper area closure was published on December 9, 2010 (75 FR 76890). The emergency rule delayed the effective date of the area closure from January 3, 2011, until June 1, 2011, with a possible 186-day extension, unless superseded by subsequent rulemaking. A correction to the emergency rule was published on December 20, 2010, to correct a previous error (75 FR 79309). The delayed effective date provided the Council time to respond to the new scientific information from the SEDAR 24 benchmark stock assessment. The Council voted to approve Regulatory Amendment 10 to modify the area closure implemented through Amendment 17A to the FMP, based upon the new stock assessment information.

Regulatory Amendment 10 evaluates alternatives to the snapper-grouper area closure approved in Amendment 17A to the FMP. These alternatives include decreases in the size of the area closure, decreases in the duration of the area closure, and the removal of the area closure entirely.

At its December 2010 meeting, the Council voted to remove the snapper-grouper area closure entirely as their preferred alternative in Regulatory Amendment 10.

Regulatory Amendment 10 presents information from SEDAR 24 that suggests the red snapper fishing moratorium in the South Atlantic has been more effective in reducing the mortality of red snapper than previously determined from the results of SEDAR 15. The analysis contained in the regulatory amendment also evaluates fishing effort reduction, in addition to the reduction in red snapper removals in 2010 as reported through the Marine Recreational Fishing Statistics Survey (MRFSS). Evidence provided by MRFSS suggests effort has been reduced by 33 percent and total red snapper removals in pounds have been reduced by 81 percent when 2010 data are compared to the 2007–2009 baseline data. The required reduction in removals of red snapper to end overfishing has been determined to be 70 to 75 percent.

When recent reductions in fishing effort are considered, the red snapper moratorium, implemented through Amendment 17A to the FMP, is projected to end red snapper overfishing and rebuild the stock without the additional implementation of the snapper-grouper area closure. Therefore, the proposed action in Regulatory Amendment 10 to remove the snapper-grouper area closure approved in Amendment 17A to the FMP seeks to prevent significant direct economic loss to snapper-grouper fishermen and achieve OY for the fishery, without subjecting the red snapper resource to overfishing.

Classification

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

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

NMFS prepared an initial regulatory flexibility analysis (IRFA), as required by section 603 of the Regulatory Flexibility Act, for this proposed rule. The IRFA describes the economic impact that this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the objectives of, and legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the full analysis is available from the Council (*see* **ADDRESSES**). A summary of the IRFA follows.

The rule proposes to remove the snapper-grouper area closure provision implemented through Amendment 17A to the FMP. This provision is a year-round closure, *i.e.,* prohibition of harvest, retention, and possession of any species in the snapper-grouper fishery management unit, except for snapper-grouper harvested with spearfishing gear or allowed to be harvested with a sea bass pot, within an area corresponding to commercial logbook grids (cells) 2880, 2980, and 3080 for depths from 98 ft (30 m) to 240 ft (73 m).

The Magnuson-Stevens Act provides the statutory basis for the proposed rule.

No duplicative, overlapping, or conflicting Federal rules have been identified.

The proposed rule would not establish any new reporting, record-keeping, or other compliance requirements.

This proposed rule is expected to directly affect commercial harvesting and for-hire fishing operations. The Small Business Administration has established size criteria for all major industry sectors in the U.S. including fish harvesters and for-hire operations. A business involved in fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $4.0 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. For for-hire vessels, the other qualifiers apply and the annual receipts threshold is $7.0 million (NAICS code 713990, recreational industries).

From 2007–2009, an average of 895 vessels-per-year had valid permits to operate in the commercial snapper-grouper fishery. Of these vessels, 751 held transferable permits and 144 held non-transferable permits. On average, 797 vessels landed snapper-grouper species, generating dockside revenues of approximately $14.514 million (2008 dollars). Each vessel, therefore, generated an average of approximately $18,000 annually in gross revenues from snapper-grouper. Gross dockside revenues by State are distributed as follows: $4.054 million in North Carolina, $2.563 million in South Carolina, $1.738 million in Georgia/Northeast Florida, $3.461 million in central and southeast Florida, and $2.695 million in the Florida Keys. Vessels that operate in the snapper-grouper fishery may also operate in other fisheries, the revenues of which cannot be determined with available data and are not reflected in these totals.

Based on revenue information, all commercial vessels affected by the proposed rule can be considered small entities.

From 2007–2009, an average of 1,797 vessels had valid permits to operate in the snapper-grouper for-hire fishery, of which 82 are estimated to have operated as headboats. The for-hire fleet is comprised of charterboats, which charge a fee on a vessel basis, and headboats, which charge a fee on an individual angler (head) basis. The charterboat annual average gross revenue is estimated to range from approximately $62,000–$84,000 for Florida vessels, $73,000–$89,000 for North Carolina vessels, $68,000–$83,000 for Georgia vessels, and $32,000–$39,000 for South Carolina vessels. For headboats, the corresponding estimates are $170,000–$362,000 for Florida vessels, and $149,000–$317,000 for vessels in the other States.

Based on these average revenue figures, all for-hire operations that would be affected by the proposed rule can be considered small entities.

Some fleet activity, *i.e.,* multiple vessels owned by a single entity, may exist in both the commercial and for-hire snapper-grouper sectors but its extent is unknown, and all vessels are treated as independent entities in this analysis.

The proposed rule is expected to directly affect all Federally permitted commercial vessels that operate in the South Atlantic snapper-grouper fishery as well as for-hire vessels operating out of northeast Florida and Georgia. All directly affected entities have been determined, for the purpose of this analysis, to be small entities. Therefore, it is determined that the proposed action will affect a substantial number of small entities.

Because all entities that are expected to be affected by the proposed rule are considered small entities, the issue of disproportional effects on small versus large entities does not arise in the present case.

The economic analysis done for the proposed rule estimated the changes in net operating revenues to commercial and for-hire vessels. These changes were estimated assuming the closure provision, within Amendment 17A to the FMP, commenced on January 3, 2011, although its implementation has been delayed via emergency rule until June 1, 2011, unless superseded by subsequent rulemaking. For the current analysis, net operating revenue was equated to profit.

The proposed action to eliminate the area closure that was adopted in Amendment 17A to the FMP is estimated to have a non-uniform change in the short-term profits of commercial vessels operating in the South Atlantic snapper-grouper fishery. Annual profits would increase approximately by $358,000 for vessels in northeast Florida and Georgia and by $103,000 for vessels in southeast Florida. On the other hand, annual profits would decrease approximately by $241,000 for vessels in North Carolina, by $129,000 in South Carolina, and by $2,000 for vessels in the Florida Keys. The net effect of the proposed action on commercial vessels as a whole would be an average increase in annual profits of approximately $88,000. Vessels fishing with vertical-line gear are the ones most affected by the proposed action.

The differential effects of the proposed action on commercial vessels in various geographic areas in the South Atlantic are mainly determined by the manner in which quotas for certain snapper-grouper species, such as gag, red grouper, black grouper, and vermilion snapper, would be met. Although the proposed action would not close very specific areas off the coasts of Georgia and northeast Florida, commercial vessels operating in other areas would also be affected via the possible quota closures of some snapper-grouper species. Opening the areas closed under Amendment 17A would allow commercial vessels from southeast Florida, northeast Florida, and Georgia to harvest more snapper-grouper species than they may have under the closure, such as vermilion snapper, gag, and red grouper, and this would tend to increase their profits. Such a harvest increase, however, may lead to reaching certain snapper-grouper quotas sooner, which could result in lower harvest by vessels in North Carolina, South Carolina, and the Florida Keys. These vessels would then experience reductions in their profits. The more restrictive quotas are those for vermilion snapper and gag. The quota for gag is especially critical, because it also serves as a trigger mechanism for closing the harvest of all shallow-water groupers.

For-hire vessels operating in northeast Florida and Georgia are expected to be the only for-hire vessels affected by the proposed action. This is based on the extent of for-hire vessel fishing activities in the subject three statistical areas set for closure under Amendment 17A to the FMP. As a result of the proposed action in this regulatory amendment, annual profits are expected to increase by $300,000 for charterboats and $1,000,000 for headboats.

Eleven alternatives, including the proposed action, were considered for the area closure. The first alternative to the proposed action is the no action alternative. Among the alternatives, this would result in the largest negative economic effects on small entities. The second alternative to the proposed action is a May–October closure of cells 2880 and 2980 in depths from 98 ft (30 m) to 240 ft (73 m). This alternative would result in lower profit increases for both the commercial and for-hire vessels than the proposed action. The third alternative to the proposed action is a May–August closure of cells 2880, 2980, and 3080 in depths from 98 ft (30 m) to 240 ft (73 m). This alternative would result in a lower profit increase to the for-hire vessels and a slightly higher profit increase to commercial vessels than the proposed action. The overall net effect of this alternative would be a lower profit increase than that under the proposed action.

The fourth alternative to the proposed action is a July–December closure of cells 2880, 2980, and 3080 in depths from 98 ft (30 m) to 240 ft (73 m). This alternative would result in lower profit increases to the for-hire and commercial vessels than the proposed action. The fifth alternative to the proposed action is a May–December closure of cells 2880, 2980, and 3080 in depths from 98 ft (30 m) to 240 ft (73 m). This alternative would result in lower profit increases to the for-hire and commercial vessels than the proposed action. The sixth alternative to the proposed action is a May–December closure of cells 2880, 2980, and 3080 in depths from 66 ft (20 m) to 240 ft (73 m) for the first year and a May–October closure of cells 2880 and 2980 in depths from 98 ft (30 m) to 240 ft (73 m) for the second

and consecutive years. This alternative would result in lower profit increases to the for-hire and commercial vessels than the proposed action.

The seventh alternative to the proposed action is a May–October closure of cells 2880 and 2980 in depths from 98 ft (30 m) to 240 ft (73 m) for the first year and a June–July closure of cell 2980 in depths from 98 ft (30 m) to 240 ft (73 m) for the second and consecutive years. This alternative would result in lower profit increases to the for-hire and commercial vessels than the proposed action. The eighth alternative to the proposed action is a May–October closure of cells 2880 and 2980 in depths from 98 ft (30 m) to 240 ft (73 m) for the first year and a July closure of cells 2880 and 2980 in depths from 98 ft (30 m) to 240 ft (73 m) for the second and consecutive years. This alternative would result in lower profit increases to the for-hire and commercial vessels than the proposed action. The ninth alternative to the proposed action is a July–December closure of cells 2880, 2980, and 3080 in depths from 98 ft (30 m) to 240 ft (73 m) for the first year and a January–April closure of cells 2880 and 2980 in depths from 98 ft (30 m) to 240 ft (73 m) for the second and consecutive years. This alternative would result in lower profit increases to the for-hire and commercial vessels than the proposed action.

The tenth alternative to the proposed action is a May–December closure of cells 2880, 2980, and 3080 in depths from 98 ft (30 m) to 240 ft (73 m) for the first year and a January–April closure of cells 2880 and 2980 in depths from 98 ft (30 m) to 240 ft (73 m) for the second and consecutive years. This alternative would result in lower profit increases to the for-hire and commercial vessels than the proposed action.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: February 14, 2011.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

§ 622.35 [Amended]

2. In § 622.35, the suspension on paragraph (l) is lifted and paragraph (l) is removed and reserved.

[FR Doc. 2011–3733 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 76, No. 34
Friday, February 18, 2011

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

February 14, 2011.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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: National Management Information System (Wildlife Service).

OMB Control Number: 0579–0335.

Summary of Collection: The Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), is a service program that responds to requests by persons and agencies needing help with wildlife damage. Assistance is available to all citizens upon request. The primary statutory authority for the APHIS/WS program is the Act of March 1931 (7 U.S.C. 426–426c; 46 Stat. 1468) as amended. Section 426 of the Act authorizes the Secretary of Agriculture to conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary considers necessary in conducting the program. Information provided by customers in the WS programs is voluntary so that WS can prepare to help them. APHIS/WS will collect information using several forms.

Need and Use of the Information: Information collected in most situations is used in routine business communication activities by WS as part of its cooperative programs initiated by request from the public and government entities. The collected information from the forms will help WS modify and improve its programs to better fulfill mission objectives, suit the needs of Cooperators, and provide increasingly superior service.

Description of Respondents: Farms; Individuals or households; Business or other for-profit; Not-for-profit institutions; State, Local, or Tribal Government.

Number of Respondents: 89,902.

Frequency of Responses: Reporting: On occasion; Biennially; Annually.

Total Burden Hours: 4,165.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2011–3667 Filed 2–17–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Development of Technical Guidelines and Scientific Methods for Quantifying GHG Emissions and Carbon Sequestration for Agricultural and Forestry Activities

AGENCY: Office of the Chief Economist, U.S. Department of Agriculture.

ACTION: Notice of project undertaken to develop technical guidelines and scientific methods for quantifying greenhouse gas (GHG) emissions and carbon sequestration at the practice-, process-, farm- and entity-scales.

SUMMARY: Section 2709 of the Food, Conservation and Energy Act of 2008 states that: USDA shall prepare technical guidelines that outline science-based methods to measure the carbon benefits from conservation and land management activities. In accordance with Section 2709 of the 2008 Farm Bill, USDA is developing technical guidelines and science-based methods to quantify greenhouse gas sources and sinks from the agriculture and forest sectors at the entity-, process-, and practice-scale. USDA intends to develop guidelines and methods that are verifiable and that demonstrate scientific rigor, transparency, scalability, and usability. USDA anticipates that the methods will be used by farmers and by USDA to improve management practices and to identify actions to reduce greenhouse gas emissions and increase carbon sequestration. The guidelines and methods could be used by farmers, ranchers, and forest owners to facilitate their participation in voluntary State and regional systems. In order to make the guidelines and methods most useful to a broad audience, a Web-based, user-friendly tool will be developed following the drafting of the guidelines and methods.

In carrying out this project, USDA will consult with Federal and State government agencies; farm, ranch, and forest producers; as well as other interested parties. At the Federal level, this consultation will minimize duplication of efforts and ensure consistency of the products with other U.S. Government inventory and estimation approaches. USDA anticipates that after they are developed, reviewed, and published, the Technical Guidelines, combined with the user-

friendly tool for GHG quantification, will assist farmers, ranchers, and forest owners in improving management practices and identifying actions to reduce greenhouse gas emissions and increase carbon sequestration, and could facilitate their participation in voluntary State and regional systems.

Comments received under this notice will be used in determining the scope of the effort, strengthening the proposed project approach, ensuring that relevant information and data are considered, improving the rigor of the guidelines, and enhancing the usability of the methods. USDA is interested in your comments in response to the numbered topics, categories and questions shown in the supplementary information section of this notice. When submitting your responses, please categorize your comments as per the section number designations noted. Be specific and concise. All information received will be included in the public docket without change and made available online at *http://www.regulations.gov,* including any personal information provided.

Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or issue a grant. Information obtained as a result of this request may be used by the government for program planning on a non-attribution basis. Do not include any information that might be considered proprietary or confidential.

DATES: Responses to this notice should be submitted by 11:59 pm Eastern Time on April 19, 2011.

ADDRESSES: Responses to this notice must be submitted electronically through the regulations.gov portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means USDA will not know your identity or contact information unless you provide it in the body of your comment. If you are unable to submit your responses through the Web portal, then consider these alternative delivery methods:

- Via e-mail to *techguide@oce.usda.gov;*
- Via fax to 202–401–1176; or,
- Via hand or courier delivery to Marlen Eve, USDA Climate Change Program Office, 1400 Independence Ave., SW., Room 4407 South Bldg, Washington, DC 20250.

Responses submitted through e-mail, fax or courier will be recorded in full, including any identity and contact information.

FOR FURTHER INFORMATION CONTACT: Any questions about the content of this request should be sent to Marlen Eve, USDA Climate Change Program Office, via E-mail *techguide@oce.usda.gov,* Telephone 202–401–0979, or Fax 202–401–1176. Additional information on this request and the project can be found at *http://www.usda.gov/oce/climate_change/techguide.*

SUPPLEMENTARY INFORMATION: The Climate Change Program Office (CCPO) operates within the Office of the Chief Economist at USDA and functions as the Department-wide coordinator of agriculture, rural and forestry-related climate change program and policy issues facing USDA. The CCPO ensures that USDA is a source of objective, analytical assessments of the effects of climate change and proposed response strategies. This project addresses the need for a scientifically sound, Department-wide guideline for quantifying GHG emissions and carbon sequestration at the farm- and entity-scale. The products developed by this project will be useful in assessing the carbon and GHG related environmental service benefits of various agricultural and forestry management practices and technologies. Supplementary information on the project is included below.

1. Project scope. USDA is embarking on an effort to create a "stand alone" set of GHG inventory guidelines that builds upon existing inventory efforts such as the Department of Energy's Voluntary Greenhouse Gas Reporting Program 1605(b) Guidelines, with an aim of providing simple, transparent and robust inventory and reporting tools. As much as is possible, the guidelines, methods, and reporting tools developed in this project will utilize and extend data and tools currently available publically. The guidelines and methods are not intended as an addition to or replacement of any current Federal GHG reporting systems or requirements. The guidelines will be prepared for direct greenhouse gas emissions and carbon sequestration from agricultural and forestry processes. USDA does not plan to develop technical guidelines for indirect greenhouse gas emissions/sequestration, or address issues related to crediting reductions such as additionality or leakage under this effort. The guidelines being developed by USDA will be used within the Department and by farmers, ranchers, and forest land owners, and will be made publicly available. To ensure the project deliverables are of benefit to the widest possible set of stakeholders (including USDA, other Federal agencies, private landowners, private and public GHG registries, NGO's, private industry, policy-makers and others) the process of developing the guidelines, methods, and reporting tools will emphasize scientific rigor, transparency, internal consistency, and reducing uncertainty. We anticipate that the guidelines will need to be reviewed and may need to be amended before being adopted by other agencies or public or private registries. Specific potential uses of the project deliverables include aiding: (1) USDA in assessing GHG and carbon sequestration increases and decreases resulting from current and future conservation programs and practices; (2) USDA and others in evaluating and improving national and regional GHG inventory efforts; and (3) landowners, NGOs, and other groups assessing increases and decreases in GHG emissions and carbon sequestration associated with changes in land management. The project is planned for completion within the next three years.

Specifically, USDA requests comments on:

1.1 How may USDA best improve upon existing greenhouse gas estimation guidelines for the agriculture and forestry sectors, while at the same time simplifying input requirements and enhancing the ease of use for individuals and entities?

1.2 USDA intends to develop a standard set of methods for practice-, process-, farm- and entity-scale inventories which could provide a technical basis for improved methods for current voluntary State and regional systems. Are there specific areas where a USDA guideline would be most useful to current State and regional systems? Are there limitations to using the proposed quantification tools in the context of State and regional systems?

2. Objectives. The guidelines will result in a methodology for an integrated emissions inventory at the entity scale for all agricultural (crop and livestock) and forest management activities, including (but not limited to) those listed below:

2.1 Cropland Agriculture

2.1.1 Crop, residue and soil management practices and technologies to increase carbon sequestration and reduce nitrous oxide emissions on mineral and cultivated wetland soils, including tillage systems, crop rotations, nutrient management, fertilizer technologies, liming, water management, cover crops, agroforestry, wetland restoration, residue removal and alternatives to biomass burning.

2.1.2 Rice cultivation practices and technologies to reduce methane emissions, including improved water table management, cultivation and fertilizer management.

2.1.3 Are there specialty crops where specific changes in management can greatly reduce GHG emissions or increase carbon sequestration that should be considered to enhance completeness and comprehensiveness of the guidelines, estimation and reporting tools?

2.1.4 Are there additional cropland activities, management practices or technologies to be accounted for to enhance completeness and comprehensiveness of the guidelines, estimation and reporting tools?

2.2 Animal Agriculture

2.2.1 Management practices and technologies to reduce methane emissions from enteric fermentation, including dietary modification, additives, feeding management, and reproductive management (genetic selection, gender differences, etc.).

2.2.2 Grazing land management practices and technologies to increase carbon sequestration and reduce nitrous oxide emissions, including rotational grazing and improved forage management.

2.2.3 Manure management practices and technologies to reduce methane and nitrous oxide emissions, including digesters, lagoon management, land application practices, and composting.

2.2.4 Are there additional grazing land and animal agriculture activities, management practices or technologies to be accounted for to enhance completeness and comprehensiveness of the guidelines, estimation and reporting tools?

2.3 Forests and Afforestation

2.3.1 Afforestation practices and technologies to increase carbon sequestration.

2.3.2 Forest management practices and technologies to reduce GHG emissions or increase carbon sequestration, including stand thinning, restoration, fertilization, and species selection.

2.3.3 Agroforestry practices and technologies to increase carbon sequestration through windbreaks, riparian buffers and silvopasture.

2.3.4 Forest preservation to reduce the risk of GHG emissions from fire, pests and disease.

2.3.5 Wood products management to reduce waste, increase product longevity and reduce the risk of GHG emissions from fire or decay.

2.3.6 Are there additional forest activities, management practices, equipment or technologies to be considered to enhance completeness and comprehensiveness of the guidelines, estimation and reporting tools?

The methods and tools will quantify all significant emissions and sinks associated with the management activities, thereby creating a standardized way to document changes in emissions and carbon sequestration resulting from conservation efforts and changing land and forest management practices. We envision the methods and tools being especially useful to USDA in evaluating the GHG-related environmental services benefits of conservation and renewable energy programs.

2.4 Are there sources of information relevant to the objectives of this project which can be made available to the author teams? If so, please provide this information or the name and contact details for the correspondent.

2.5 Are there opportunities to reduce GHG emissions and increase carbon sequestration in the agriculture and forestry sectors that should be reflected in the methods?

2.6 USDA intends to rely on engineering calculations, models, and observations as primary methodological approaches. How can USDA balance rigor while maintaining broad applicability, national consistency, and user friendliness?

2.7 What models and tools currently exist for farm- or entity- scale GHG inventory and reporting, and how might they be useful to the current project objectives? For each model noted, provide a source citation for information on the model.

3. Criteria. There are several key criteria that USDA will rely on in preparing the GHG guidelines, including the following:

3.1 *Transparency* means that the assumptions and methodologies used for an inventory should be clearly explained to facilitate replication and assessment of the inventory by users of the reported information. The transparency of inventories is fundamental to the success of the process for the communication and consideration of information.

3.2 *Consistency* means that the methods used to generate inventory estimates should be internally consistent in all its elements and the estimates should be consistent with other years. An inventory is consistent if the same methodologies are used for the base and all subsequent years and if consistent data sets are used to estimate emissions or removals from sources or sinks. Consistency is an important consideration in merging differing estimation techniques from diverse technologies and management practices.

3.3 *Comparability* requires that the estimates of emissions and sequestration being reported by one entity are comparable to the estimates being reported by others. For this purpose, entities should use common methodologies and formats for estimating and reporting inventories. Comparability is an important consideration in determining whether the guidelines specifies one method (for any technology or management practice) or allows users to select from a menu of methods.

3.4 *Completeness* means that an inventory covers all sources and sinks, as well as all greenhouse gases. Completeness also means full coverage of sources and sinks under the control of the entity. Completeness is an important consideration to be balanced with ease of use in reporting appropriately for an entity that may have a minor activity or an activity with severely limited data availability.

3.5 *Accuracy* is a relative measure of the exactness of an emission or removal estimate. Estimates should be accurate in the sense that they are systematically neither over nor under true emissions or removals, as far as can be judged, and that uncertainties are reduced as far as practicable.

3.6 *Cost effectiveness* is a measure of the relative costs and benefits of additional efforts to improve inventory estimates or reduce uncertainty.

3.7 *Ease of use* is a measure of the complexity of the user interface and underlying data requirements.

3.8 Are these appropriate criteria by which to formulate GHG estimation and reporting guidelines, methods and tools? Are there other criteria that should also be considered?

3.9 To the extent that there are tradeoffs, which criteria are more important than others in ensuring the usefulness of the project products for entity-scale estimation and reporting?

4. Expected outcomes and products. The project is expected to yield the following products.

4.1 A review of techniques currently in use for estimating carbon stocks and fluxes and GHG emissions from agricultural and forestry activities;

4.2 A technical guidelines document outlining the approach or approaches to conducting a farm-, ranch-, or forest-scale GHG estimation;

4.3 Specific methods for each source/sink category that are designed

to be reliable and consistent with national inventory efforts;

4.4 A quantification where possible of uncertainties in estimation at the entity scale; and

4.5 A user-friendly tool that integrates multiple sources of entity-scale data to facilitate farm-, ranch-, and forest-scale quantification of greenhouse gas emissions and sequestration in a manner consistent with the methods and technical guidelines.

Timeline. The project is planned for completion over the next three years. Implementation of the project will include development of the draft guidelines and methods, technical and peer review, development of estimation and reporting tools and associated documentation, beta testing, solicitation of public comment, and publication of the final guidelines document as well as the estimation and reporting tools.

USDA prohibits discrimination on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA (not all prohibited bases apply to all programs). Persons with disabilities who require alternate means for communication of program information (braille, large print, audio tape, *etc.*) should contact the USDA's Target Center at (202) 720–2000 (voice and TDD). USDA is an equal opportunity provider and employer.

Joseph Glauber,

Chief Economist.

[FR Doc. 2011–3731 Filed 2–17–11; 8:45 am]

BILLING CODE 3410–38–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2010–0125]

Secretary's Advisory Committee on Animal Health; Meetings

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meetings.

SUMMARY: This is a notice to inform the public of three upcoming meetings of the Secretary's Advisory Committee on Animal Health. The meetings are being organized by the Animal and Plant Health Inspection Service to discuss matters of animal health, including the pending proposed rule implementing USDA's traceability framework and establishing an aquaculture subcommittee.

DATES: The meetings will be held March 4, 2011, May 13, 2011, and July 15, 2011 from noon to 5 p.m. (eastern time) each day.

ADDRESSES: Each meeting will be conducted as a teleconference. Opportunities for public participation are described in the Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Michael R. Doerrer, Chief Operating Officer, Veterinary Services, APHIS, USDA, 4700 River Road, Unit 37, Riverdale, MD 20737; e-mail: *SACAH.Management@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The Secretary's Advisory Committee on Animal Health (the Committee) advises the Secretary of Agriculture on means to prevent, conduct surveillance on, monitor, control, or eradicate animal diseases of national importance. In doing so, the Committee will consider public health, conservation of natural resources, and the stability of livestock economies. Among the key animal health issues the Committee will help the Secretary evaluate will be animal disease traceability.

Animal disease traceability will be the primary discussion topic at the meeting on March 4, 2011. APHIS has spent much of the past year developing a framework for animal disease traceability in the United States. Through the framework, APHIS will implement a flexible yet coordinated approach to animal disease traceability that embraces the strengths and expertise of States, Tribes, and producers and empowers them to find and use the traceability approaches that work best for them.

APHIS has conducted extensive outreach on the traceability framework and continues to seek input by using the Committee. We are developing the proposed rule and the traceability performance standards collaboratively and transparently. This helps us ensure that practical animal disease traceability options evolve.

Additional details regarding each meeting, including the preliminary and final agendas, will be posted on the Committee's Web site at *http://www.aphis.usda.gov/animal_health/acah/* in advance of each meeting. Copies of agendas may also be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** at the beginning of this notice.

Public Participation

All meetings will be open to the public, although public participants will be joined to the call in "observation" or "listen only" mode. Members of the public who wish to participate in a teleconference must notify the Committee by sending an e-mail through an access portal on the Committee's Web site or by e-mailing the Committee directly at *SACAH.Management@aphis.usda.gov.* In your e-mail, please provide your name and organizational affiliation (if any) and identify the meeting(s) you wish to join. The Committee will reply with a telephone number and participant pass code that will allow you to join the meeting.

Questions and written statements for the first meeting on March 4, 2011, may be submitted by or before March 1, 2011, for the Committee's consideration. For the meetings to be held in May and July, questions and written statements may be submitted up to 5 days before those meetings. Questions and written statements may be sent via e-mail to *SACAH.Management@aphis.usda.gov* or mailed to the person listed under **FOR FURTHER INFORMATION CONTACT** at the beginning of this notice. Statements may also be filed with the Committee after the meeting by sending them to *SACAH.Management@aphis.usda.gov.*

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Done in Washington, DC this 15th day of February 2011.

Gregory Parham,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–3728 Filed 2–17–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sequoia National Forest; California; Piute Mountains Travel Management Plan

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Sequoia National Forest proposes to develop a travel management plan for the Piute Mountains, located in northeast Kern County, California. The Piute Mountains, with a mixed conifer and pine forest, are included in the eastside Sierra Nevada ecosystem. The project area for this analysis includes 77,679 acres of National Forest System land in the Piute Mountains part of the Sequoia National Forest. There are an additional 7,170 acres of private land within the Piute Mountains. The Piute fire burned

approximately 37,000 acres within the Piute Mountains in 2008.

The Sequoia National Forest intends to prepare an environmental impact statement (EIS) to evaluate the possible effects associated with the proposed action which will add approximately 125 miles of existing roads and trails to the National Forest Transportation System (NFTS), and close approximately 5 miles of NFTS roads and trails, 4.5 miles of which are currently open only to motorcycle, and close 0.5 mile of roads open to all vehicles (Table 1). The proposed action includes an amendment to the Sequoia National Forest Land and Resource Management Plan that would change approximately 7,175 acres of semi-primitive non-motorized (SPNM) recreation land to semi-primitive motorized.

DATES: Comments concerning the proposed action must be received by March 21, 2011. The Forest Service expects to release the draft environmental impact statement in mid October 2011, and the final environmental impact statement by the end of December 2011.

ADDRESSES: Send written comments to: Warren Niemi, Environmental Coordinator, Sequoia National Forest, 1839 South Newcomb Street, Porterville, California 93257. Mr. Niemi's phone number is 559–784–1500, extension 1137. Comments may also be sent via e-mail to *comments-pacificsouthwest-sequoia@fs.fed.us* or via facsimile to (559) 781–4744.

FOR FURTHER INFORMATION CONTACT: Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

As a result of the Piute fire, the Piute Mountains were removed from the travel management analysis included in the Sequoia National Forest Motorized Travel Management Environmental Impact Statement released in October 2009. The Piute fire burned part of the project area being evaluated in the environmental impact statement between June 28 and July 25, 2008. Approximately 37,000 acres were burned. A majority of the non-system trails not included in the NFTS, within the fire burn area were proposed for addition to the NFTS as part of the Sequoia National Forest Motorized Travel Management EIS. A series of heavy rain events occurred in the area following the Piute Fire, causing excessive runoff and flash flooding. Early evaluations indicated that erosion was intense in much of the burned area. After review and consultation with the travel management interdisciplinary team, the Forest Supervisor decided to remove the Piute Mountains area from the Motorized Travel Management Proposed Action and other alternatives being evaluated. Only the prohibition of cross-country travel was considered in the Piute Mountains by the Motorized Travel Management EIS.

The use of motor vehicles in the Kern River Ranger District of the Sequoia National Forest has increased in recent years. Increased recreational vehicle use has led to the development of non-system off highway vehicle (OHV) trails, and has increased the potential for disagreements arising between motorized and non-motorized users of the Sequoia National Forest, in addition to complaints from private and Tribal property owners regarding trespassing, noise, stock, and fences. OHV use can also result in areas of degraded soil, water, and vegetation.

Purpose and Need for Action

The purpose behind the Piute Mountains travel management project is to evaluate motor vehicle recreation opportunities in the Piute Mountains, while maintaining the natural and cultural resources present in those parts of the Piute Mountains managed by the Forest Service. The following needs for the Piute Mountains travel management plan have been identified by the project's interdisciplinary team:

1. The Sequoia National Forest has a need to provide greater diversity of motorized recreational opportunity for a variety of vehicles used by forest visitors. There is a need to provide motor vehicle access to dispersed recreation sites used for camping, hunting, sightseeing, horseback riding, hiking, rock climbing, rock hounding, and vegetation and firewood collecting. Forest Service policy calls for providing forest users with diverse road and trail opportunities for experiencing a variety of environments and modes of travel consistent with the national forest recreation role and land capability as stated in Forest Service Manual 2353.03(2).

2. Provide diverse opportunities for vehicles capable of off highway travel.

3. Evaluate the Piute Fire burn area regarding roads and trails, and natural and cultural resources.

4. Evaluate the forest transportation system needs of forest users, private and Tribal property owners, and special use permit holders within the Piute Mountains.

5. Establish consistency with the Recreation Opportunity Spectrum (ROS) semi-primitive non-motorized setting located within the Piute Mountains as established in the Sequoia National Forest Land and Resource Management Plan (LRMP) and its amendments. There are currently five NFTS motorcycle trails, totaling approximately13 miles, located within the project area semi-primitive non-motorized area. The Sequoia National Forest LRMP states that no OHV roads and trails will be designated within established semi-primitive non-motorized areas.

6. Determine if the Long Canyon/Dry Meadows Trail No. 34E31 should continue to be managed for motor vehicle use. Trail No. 34E31 provides a north south trail in the northern Piute Mountains as obligated by the July 1990 Mediated Settlement Agreement to the Sequoia National Forest LRMP (pages 99–101). Trail No. 34E31 extends northward from Dry Meadows to the Forest boundary. Motorized use on Trail No. 34E31 was allowed to continue until a determination is made regarding its future. Trail No. 34E31 is currently located within a semi-primitive non-motorized area. The Mediated Settlement Agreement states that if a trail can accommodate OHV use, the boundary of the semi-primitive non-motorized area shall be adjusted (page 100). The Mediated Settlement Agreement also states that an environmental analysis shall be completed to evaluate forest resources, with emphasis on soils, wildlife and the Long Canyon Research Natural Area (page 100).

7. There is a need to evaluate the compatibility of motor vehicle use on the Bright Star Trail No. 34E34 with existing conditions, including trespass and sound, in the vicinity of the Liebel property.

The Sequoia National Forest will consider the following criteria presented in Subpart B of the Forest Service Travel Management Rule of 2005 during the environmental analysis regarding proposed changes to the forest transportation system. These considerations include:

- Possible impacts to natural and cultural resources;
- Public safety;
- Access to public and private lands;
- Availability of resources to maintain and administer roads, trails and use areas if actions proposed are undertaken;
- Minimizing damage to soil, watersheds, vegetation and other forest resources;

• Minimize disturbance of wildlife and disruption of wildlife habitat;

• Minimize the potential for disagreement between the various users of forest lands;

• Recognize the possible consequences of conflicting forest uses; and

• Compatibility of motorized and non-motorized uses of forest lands.

The Sequoia National Forest will also consider the speed, volume, composition and distribution of forest road traffic, the compatibility of vehicle class and forest road design features, and the maintenance of existing rights-of-way, during the environmental analysis.

Proposed Action

The Sequoia National Forest proposes the following changes to the current forest transportation system. The proposed action is based upon the purpose and need for the project, and the results of an evaluation of motor vehicle use within the Piute Mountains. Public input gathered in a series of five meetings held in Kernville was used to develop the proposed action which would:

1. Add approximately 121 miles of existing non-system routes to the National Forest Transportation System (NFTS) as trails open to motorcycles only;

2. Add approximately 3 miles of existing non-system routes to the NFTS as trails open to all public vehicles;

3. Add approximately 0.1 miles of existing non-system route to the NFTS as road open to all public vehicles.

4. Change the status of approximately 3 miles of closed NFTS road to NFTS trail open to all public vehicles.

5. Change the status of approximately 1 mile of closed NFTS road to NFTS trail open to motorcycles only.

6. Change approximately 10 miles NFTS roads closed to public vehicles to NFTS roads open to all public vehicles.

7. Change approximately 0.5 miles NFTS road open to all to NFTS road closed to all public vehicles.

8. Change approximately 0.7 miles NFTS road open to all to NFTS road open to highway legal vehicles only.

9. Change approximately 0.4 miles of NFTS road open to highway legal vehicles only to NFTS road open to all public vehicles.

10. Change approximately 2.1 miles of NFTS trail open to motorcycles only to NFTS trail open to all public vehicles.

11. Change approximately 4.5 miles NFTS trail open to motorcycles only to NFTS trail closed to all public vehicles.

12. Add non-system route U00125, approximately 0.5 miles in length, and located in the Greenhorn Mountains, as a NFTS road.

13. Establish consistency with ROS settings and between the use of the Long Canyon/Dry Meadow Trail 34E31 and the 1990 Mediated Settlement Agreement by changing the ROS classification on 7,175 acres of semi-primitive non-motorized land west of trail No. 34E31 to semi-primitive motorized. This would allow the continued motor vehicle use of NFTS trails 34E31, 34E41, and 34E52, and non-system trail U0013. This proposed action would require an amendment to the Sequoia National Forest Land and Resource Management Plan.

TABLE 1—SUMMARY OF MILEAGE IN CURRENT INVENTORY AND THE PROPOSED ACTION

Proposed action current inventory	Closed road	Road open to all	Road open to highway legal vehicles only	Trail open to all	Trail open to motorcycles only	Closed trail	Total miles
Existing Non-System Route	.....	0.1	.....	3.4	121.4	.....	124.9
Closed Road	7.9	10.0	.....	2.8	1.0	.....	21.7
Road Open to All	0.5	48.8	0.7	.....	.....	.....	50.0
Road Open to Highway Legal Vehicles Only	.....	0.4	4.5	.....	.....	.....	4.9
Trail Open to Motorcycles Only	.....	.....	.....	2.1	66.7	4.5	73.3
Total Miles	8.4	59.8	5.2	8.3	189.1	4.5	275.3

Maps showing the existing and proposed forest transportation system in the Piute Mountains can be found at the Piute Mountains Travel Management Plan Web site *http://fs.fed.us/r5/sequoia/projects/piutes-tm/index.html.* The project maps are also available for viewing at: Forest Supervisor's Office, 1839 South Newcomb, Porterville, California, and Kern River Ranger District, 105 Whitney Road, Kernville, California.

Possible Alternatives

Other alternatives will be developed based on significant issues identified during the scoping process for the environmental impact statement. Alternatives evaluated will need to respond to the specific condition of providing benefits equal to or better than the current condition. Alternatives being considered at this time include: (1) No Action, and (2) the Proposed Action.

Responsible Official

The Forest Supervisor of the Sequoia National Forest, 1839 South Newcomb Street, Porterville, CA 93257, is the responsible official. A Record of Decision will be prepared by the responsible official documenting the decision and reasons for the decision. That decision will be subject to Forest Service appeal regulations (36 CFR part 215).

Nature of Decision To Be Made

The Responsible Official will decide whether to adopt and implement the proposed action, an alternative to the proposed action, or take no action regarding the existing Piute Mountains forest transportation system. The Responsible Official will also decide whether to amend the Sequoia National Forest LRMP. The Sequoia National Forest will publish a Motor Vehicle Use Map identifying the roads, trails and areas that are designated for motor vehicle use. The Motor Vehicle Use Map will identify the classes of vehicles and, if appropriate, the times of year for which use is designated.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the U.S. Forest Service in preparation of the environmental impact statement.

Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's issues and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will also be accepted and considered.

Dated: February 11, 2011.

Tina J. Terrell,

Forest Supervisor.

[FR Doc. 2011–3698 Filed 2–17–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Pike & San Isabel Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Pike & San Isabel Resource Advisory Committee will meet in Pueblo, Colorado. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to vote on and recommend projects for funding.

DATES: The meeting will be held on March 15, 2011, and will begin at 9 a.m.

ADDRESSES: The conference call will be held at the Supervisor's Office of the Pike & San Isabel National Forests, Cimarron and Comanche National Grasslands (PSICC) at 2840 Kachina Dr., Pueblo, Colorado. Written comments should be sent to Barbara Timock, PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Comments may also be sent via e-mail to *btimock@fs.fed.us,* or via facsimile to (719) 553–1416.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Visitors are encouraged to call ahead to (719) 553–1415 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Barbara Timock, RAC coordinator, USDA, Pike & San Isabel National Forests, 2840 Kachina Dr., Pueblo, CO 81008; (719) 553–1415; E-mail *btimock@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The March 15 meeting is open to the public. The following business will be conducted: (1) Finalize project approval process, (2) Review, discuss and vote on proposed projects, (3) Recommend projects to the Designated Federal Official, (4) Receive public comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by March 10, 2011 will have the opportunity to address the Committee at those sessions.

Dated: February 11, 2011.

John F. Peterson,

Designated Federal Official.

[FR Doc. 2011–3659 Filed 2–17–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

South Central Idaho Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The South Central Idaho Resource Advisory Committee will meet in Jerome, Idaho. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to preview projects and award funding for project completion.

DATES: The meeting will be held March 2, 2011, 9 a.m.

ADDRESSES: The meeting will be held at the Idaho Department of Fish and Game, 319 S 417 E, Jerome, Idaho 83338. Written comments should be sent to the Sawtooth National Forest, Attn: Julie Thomas, 2647 Kimberly Road East, Twin Falls, Idaho 83301. Comments may also be sent via e-mail to *jathomas@fs.fed.us,* or via facsimile to 208–737–3236.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Sawtooth National Forest, 2647 Kimberly Road East, Twin Falls, Idaho 83301. Visitors are encouraged to call ahead to 208–737–3200 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Julie Thomas, Designated Federal Official, Sawtooth National Forest, 208–737–3200.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: This Resource Advisory Committee meeting will specifically deal with project purview and funding of projects. The agenda for the meeting can be found at *http://www.fs.usda.gov/sawtooth.* Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by February 24, 2011 will have the opportunity to address the Committee at those sessions.

Dated: February 14, 2011.

Julie A. Thomas,

Federal Designated Officer.

[FR Doc. 2011–3697 Filed 2–17–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Humboldt County Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Humboldt County Resource Advisory Committee (RAC) will meet in Eureka, California. The committee meeting is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act.

DATES: The meeting will be held March 8, 2011, from 5 p.m. to 7 p.m.

ADDRESSES: The meeting will be held at the Six Rivers National Forest Office, 1330 Bayshore Way, Eureka, CA 95501.

FOR FURTHER INFORMATION CONTACT: Adam Dellinger, Committee Coordinator, at (707) 441–3569; e-mail *adellinger@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The agenda includes a public comment

period, continued review of Title II project proposals received, and a preliminary vote on projects to recommend for funding.

Dated: February 14, 2011.

Tyrone Kelley,

Forest Supervisor.

[FR Doc. 2011–3696 Filed 2–17–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Saguache County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Saguache County Resource Advisory Committee will meet in Center, Colorado. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose is to review and recommend project proposals to be funded with Title II money.

DATES: The meeting will be held on March 9, 2011 and will begin at 10 a.m.

ADDRESSES: The meeting will be held at the Kiwanis Building, 510 Broadway Avenue, Center, Colorado. Written comments should be sent to Mike Blakeman, San Luis Valley Public Lands Center, 1803 West U.S. Highway 160, Monte Vista, CO 81144. Comments may also be sent via e-mail to *mblakeman@fs.fed.us,* or via facsimile to 719–852–6250.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the San Luis Valley Public Lands Center, 1803 West U.S. Highway 160, Monte Vista, CO 81144.

FOR FURTHER INFORMATION CONTACT: Mike Blakeman, RAC coordinator, USDA, San Luis Valley Public Lands Center, 1803 West U.S. Highway 160, Monte Vista, CO 81144; 719–852–6212; E-mail *mblakeman@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Update on status of funded projects; (2) Review, evaluate and recommend project proposals to be funded with Title II money; (3) Create a timeline to receive and review new project proposals and schedule the next meeting; and (4) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: February 9, 2011.

Dan S. Dallas,

Forest Supervisor.

[FR Doc. 2011–3655 Filed 2–17–11; 8:45 am]

BILLING CODE 3410–11–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: Social Impacts of the Implementation of a Catch Shares Program in the Mid-Atlantic.

OMB Control Number: None.

Form Number(s): NA.

Type of Request: Regular submission (request for approval of a new information collection.

Number of Respondents: 270.

Average Hours per Response: 25 minutes.

Burden Hours: 113.

Needs and Uses: This is a request for approval of a new information collection. Social Impact Assessment (SIA) is required in fisheries under both the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

The required information is used to evaluate the impacts of the proposed activity on fishermen still involved in fishing since catch shares were implemented. In promulgating and issuing regulations, National Marine Fisheries Service (NMFS) must determine the relative impacts of different management measures.

Amendment 16 to the Multispecies (groundfish) Fishery Management Plan, implemented on May 1, 2010, is the largest catch share program in number of permit holders that has ever been implemented in the U.S., and includes 17 group quota or 'sector' allocations. More catch share plans are in discussion for the Northeast within the next several years. NMFS is required to assess the impact of these plans as well as their impacts relative to other management measures in place in the Northeast.

This research aims to study the immediate post-implementation effects on fishermen in the groundfish fishery and those that have already exited the fishery in the Mid-Atlantic, as well as provide a baseline for other fisheries prior to any implementation of additional catch share programs.

Affected Public: Business or other for-profit organizations.

Frequency: One-time only.

Respondent's Obligation: Voluntary.

OMB Desk Officer: *OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: February 14, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–3681 Filed 2–17–11; 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 Economic Census General Classification Report.

OMB Control Number: 0607–0924.

Form Number(s): NC–99023.

Type of Request: Reinstatement, with change, of an expired collection.

Burden Hours: 16,667.

Number of Respondents: 100,000.

Average Hours Per Response: 10 minutes.

Needs and Uses: The Economic Census and current business surveys

represent the primary source of facts about the structure and function of the U.S. economy, providing essential information to government and the business community in making sound decisions. This information helps build the foundation for the calculation of Gross Domestic Product (GDP) and other economic indicators. Crucial to its success is the accuracy and reliability of the Business Register data, which provides the Economic Census and current business surveys with their establishment lists.

Critical to the quality of data in the Business Register is that establishments are assigned an accurate economic classification, based on the North American Industry Classification System (NAICS). The primary purpose of the "2012 Economic Census General Classification Report" or NC–99023, is to meet this need.

New businesses are assigned NAICS codes by the Social Security Administration (SSA); however, many of these businesses cannot be assigned detailed NAICS codes, because insufficient data are provided by respondents on the Internal Revenue Service (IRS) Form SS–4. This report, conducted in fiscal years 2012 and 2013, will mail approximately 100,000 businesses per year that are unclassified or have been partially classified. Businesses selected for the sample will be asked to provide data on primary business activity in order to assign proper industry classification, thus maintaining proper coverage of the business universe.

There are few changes to the NC–99023 form since the last request was submitted for an OMB clearance in 2006. Changes will be made to the wording and organization of existing economic activity descriptions. Also, for the first time, respondents will have the option to report electronically via the Internet.

The NC–99023 form will be used to update the classification codes contained in the Business Register, ensuring establishments will be tabulated in the correct detailed industry for the 2012 Economic Census and in succeeding economic surveys. Information obtained from these establishments will also be included in the Census Bureau's County Business Patterns (CBP) publications. CBP publications provide annual data on establishment counts, employment, and payroll for all sectors of the economy at national, State, and county levels. The failure to collect this information will have an adverse effect on the quality and usefulness of economic statistics provided by the Census Bureau.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Frequency: Every 5 years.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 131 and 224.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: February 15, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–3693 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–822]

Stainless Steel Sheet and Strip in Coils From Mexico; Notice of Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

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

FOR FURTHER INFORMATION CONTACT: Patrick Edwards, Brian Davis, or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–8029, (202) 482–7924, and (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Amendment to the Final Results

In accordance with sections 751(a) and 777(i)(1) of the Tariff Act of 1930, as amended, (the Act), on January 5, 2011, the Department issued its final results in the administrative review of the antidumping duty order on stainless steel sheet and strip in coils (S4 in coils) from Mexico, covering the period July 1, 2008, to June 30, 2009. The final results were subsequently released to all parties in the proceeding, and published in the **Federal Register** on January 13, 2011. *See Stainless Steel Sheet and Strip in Coils from Mexico; Final Results of Antidumping Duty Administrative Review,* 76 FR 2332 (January 13, 2011) (*S4 from Mexico 2008–2009 Final Results*). On January 14, 2011, and pursuant to 19 CFR 351.224(c)(2), we received a timely-filed allegation from the respondent in this administrative review, ThyssenKrupp Mexinox S.A. de C.V. (Mexinox SA) and Mexinox USA, Inc. (Mexinox USA) (collectively referred to as Mexinox), that the Department made ministerial errors with respect to several aspects of Mexinox's margin calculation. *See* Letter from Mexinox to the Department of Commerce, titled "Ministerial Error Comments," dated January 14, 2011 (Mexinox Ministerial Letter). On January 20, 2011, we received comments from Allegheny Ludlum Corporation, AK Steel Corporation, and North American Stainless (collectively referred to as petitioners) regarding the ministerial errors alleged by Mexinox. *See* Letter from petitioners to the Department of Commerce, regarding "Response to Mexinox's Ministerial Error Allegations," dated January 20, 2011 (Petitioners' Response Letter). For a discussion of the Department's analysis of the allegations in the Mexinox Ministerial Letter and rebuttal comments in the Petitioners' Response Letter, *see* Memorandum from Patrick Edwards and Brian Davis, Case Analysts, through Angelica Mendoza, Program Manager, to Richard Weible, Office Director, entitled, "Ministerial Errors Allegation in the Final Results of the Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Mexico: ThyssenKrupp Mexinox S.A. de C.V.," dated February 14, 2011 (Ministerial Error Allegation Memo).

A ministerial error, as defined at section 751(h) of the Act, includes "errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which {the Department} considers ministerial." *See also* 19 CFR 351.224(f). In its Ministerial Letter, Mexinox alleges that the Department made five ministerial errors in calculating Mexinox's antidumping duty margin. First, Mexinox alleges that the Department made a ministerial error by incorrectly placing a parenthesis in its calculation of cost of goods sold to

derive constructed export price profit, effectively failing to extend the per-unit cost of production and per-unit packing expenses by the quantity sold. *See* Mexinox Ministerial Letter at 2. Second, Mexinox alleges that the Department incorrectly derived quarterly cost data by assigning a production quantity to those products which were sold, but not produced in certain quarters, thus overstating Mexinox's production quantities and miscalculating the indexed quarterly costs. *Id.* at 3. Third, Mexinox alleges several errors with regard to the Department's calculation of its U.S. indirect selling expenses. Specifically, Mexinox contends that the Department a) failed to include "other income/expenses" specific to Mexinox USA, b) double-counted certain service fee expenses incurred by Mexinox's affiliates in the United States, and c) applied the wrong raw material service fee in its calculation of Mexinox's total indirect selling expenses. *Id.* at 6. Fourth, Mexinox contends that the Department incorrectly accounted for employee profit sharing in its calculation of Mexinox's general and administrative (G&A) ratio. *Id.* at 9. Fifth, and finally, Mexinox alleges that the Department's margin calculation programs caused certain variables to be overwritten when comparison market sales were merged with Mexinox's reported costs. *Id.* at 10.

In their rebuttal letter, petitioners commented on only two of Mexinox's alleged errors. First, petitioners argue that Mexinox's allegation with regard to the inclusion of "other income/expenses" specific to Mexinox USA is methodological in nature and, therefore, does not constitute a ministerial error. *See* Petitioners' Response Letter at 2–3. Petitioners further argue that the Department did use the correct raw material services fee in its calculation of Mexinox's U.S. indirect selling expenses and, therefore, Mexinox's alleged error is incorrect. *Id.* at 4. Second, petitioners allege that, should the Department agree with Mexinox's allegation that the Department inadvertently overstated production quantities and consequently calculated incorrect quarterly cost indices, Mexinox's suggested programming changes would cause several errors in the Department's margin calculation programs and would continue to calculate incorrect quarterly cost indices. *Id.* at 6.

After analyzing Mexinox's ministerial error comments and petitioners' rebuttal comments, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), that we made ministerial errors with respect to our calculation for cost of goods sold and our quarterly costs indices, as well as certain aspects of Mexinox's indirect selling expenses incurred in the United States, and Mexinox's G&A ratio calculation.[1] *See* Mexinox's Ministerial Letter; *see also* Memorandum to the File, "Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Mexico—Amended Final Results Analysis Memorandum for ThyssenKrupp Mexinox S.A. de C.V.," dated February 14, 2011 (2008–2009 S4 from Mexico Amended Final Results Analysis Memorandum), for a further discussion. Therefore, the Department has corrected both the Comparison Market Program and the U.S. Margin Program and, where appropriate, the relevant Macros Program to reflect the correction of these errors.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final results in this antidumping duty administrative review of S4 in coils from Mexico. After correcting for the noted ministerial errors with respect to cost of goods sold, quarterly costs, U.S. indirect selling expenses, and G&A expenses, the amended final weighted-average dumping margin has changed:

Manufacturer/exporter	Final results weighted-average margin percentage	Amended final weighted-average margin percentage
ThyssenKrupp Mexinox S.A. de C.V	21.14	12.13

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1) of the Act, and 19 CFR 351.212(b). Where entered values are missing for some sales and reported for others, the Department calculates a per-unit assessment rate on an importer-specific basis. The Department calculated an importer-specific per-unit duty assessment rate by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. Where the duty assessment rates are above *de minimis,* we will instruct CBP to assess duties on all entries of subject merchandise by that importer in accordance with the requirements set forth in 19 CFR 351.106(c)(2).

After issuance of the amended final results of this review, for any importer-specific assessment rates calculated in the amended final results that are above *de minimis* (*i.e.,* at or above 0.50 percent), we will issue appraisement instructions directly to CBP to assess antidumping duties on appropriate entries by applying the per-unit dollar amount against each unit of merchandise on each of that importer's entries during the review period. *See* 19 CFR 351.212(b)(1). Pursuant to 19 CFR 356.8(a), the Department intends to issue assessment instructions to CBP 41 days after the date of publication of these amended final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the POR produced by Mexinox for which Mexinox did not know the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the 30.69 percent all others rate if there is no company-specific rate for an intermediary involved in the transaction.

Cash Deposit Requirements

The following deposit requirements continue to be effective on any entries made on or after February 14, 2011, the date of publication of these amended final results, for all shipments of subject merchandise entered, or withdrawn

[1] With regard to Mexinox's error allegation involving U.S. indirect selling expenses, we note that Mexinox raised four separate issues concerning our calculation. Three of these we are correcting as ministerial errors. However, the fourth issue, pertaining to offsetting Mexinox's indirect selling expenses for service revenue received from its U.S. affiliates, is methodological in nature and the Department's intent to deny Mexinox's requested offset is reflected in the final results. Therefore, we are not adjusting for this allegation (*i.e.,* we are continuing to deny Mexinox's requested offset).

from warehouse, for consumption as provided by section 751(a)(2)(C) of the Act: (1) For Mexinox, which has a separate rate, the cash deposit rate will be the company-specific rate shown above; (2) for previously reviewed or investigated companies not listed above that have a separate rate, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) the cash deposit rate for all other Mexican exporters will be 30.69 percent, the all others rate from the less-than-fair-value investigation; and (4) the cash deposit rate for all non-Mexican exporters will be the rate applicable to the Mexican exporter that supplied that exporter. These cash deposit requirements continue to remain in effect until further notice.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

We are issuing and publishing these amended final results of review and notice in accordance with sections 751 and 777(i) of the Act.

Dated: February 14, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–3750 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor; Request for Comment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Request for comments.

SUMMARY: The Department of Commerce ("the Department") requests public comment on the means by which it can best capture the cost of labor in its wage rate methodology in antidumping proceedings involving non-market economy ("NME") countries. As part of this process, the Department invites comments on the interim methodology for determining a surrogate value for wage rates that is currently being applied in antidumping proceedings for companies in NME countries.

DATES: To be assured of consideration, comments must be received no later than March 21, 2011.

FOR FURTHER INFORMATION CONTACT: Christopher Mutz, (202) 482–0235, Office of Policy, Import Administration, Julia Hancock, (202) 482–1394, Office of Antidumping and Countervailing Duty Operations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

Section 733(c) of the Tariff Act of 1930, as amended ("the Act"), provides that the Department will value the factors of production ("FOPs") in NME cases using the best available information regarding the value of such factors in a market economy ("ME") country or countries considered to be appropriate by the administering authority. The Act requires that when valuing the FOPs, the Department utilize, to the extent possible, the prices or costs of factors of production in one or more ME countries that are (1) at a comparable level of economic development and (2) significant producers of comparable merchandise. *See* section 733(c)(4) of the Act.

Previously, the Department calculated wages using a regression analysis that captured the worldwide relationship between *per capita* Gross National Income ("GNI") and hourly wage rates in manufacturing pursuant to 19 CFR 351.408(c)(3). *See Antidumping Methodologies: Market Economy Inputs, Expected Non-Market Economy Wages, Duty Drawback; and Request for Comments* ("*Antidumping Methodologies Notice*"), 71 FR 61716 (October 19, 2006). On May 14, 2010, the Court of Appeals for the Federal Circuit ("CAFC"), in *Dorbest Ltd.* v. *United States,* 604 F. 3d 1363, 1372 (Fed. Cir. 2010) ("*Dorbest I*"), invalidated 19 CFR 351.408(c)(3). Subsequently, the Department issued a remand redetermination in the *Dorbest* litigation, and on February 9, 2011, the Court of International Trade ("CIT") affirmed in part, and remanded in part, the Department's wage rate methodology applied in that redetermination. *See Dorbest Ltd.* v. *United States,* Slip Op. 11–14 (CIT Feb. 9, 2011) ("*Dorbest II*"). As a consequence of the CAFC's ruling in *Dorbest I,* the Department is no longer relying on the wage rate methodology described in its regulations. Since July 2010, the Department has applied an interim wage rate methodology that derives a surrogate wage rate from countries that are both economically comparable and significant producers of merchandise comparable to the merchandise subject to the antidumping duty proceeding.[1] In October 2010, the Department modified its calculations to apply a simple-average of industry-specific wage rates from those countries.[2]

Request for Comment on International Labor Organization ("ILO") Chapter 6A Data

As part of the on-going process of evaluating options for determining labor values, the Department is considering methodologies that will best capture all labor costs. Currently, the Department uses earnings or wage data as reported in "Chapter 5B: Wages in Manufacturing" of the International Labor Organization ("ILO") Yearbook of

[1] *See Certain Woven Electric Blankets From the People's Republic of China ("PRC"): Final Determination of Sales at Less Than Fair Value ("Blankets from the PRC"),* 75 FR 38459 (July 2, 2010) and accompanying Issues and Decision Memorandum at Comment 13.

[2] Between July 2010 and October 2010, the Department implemented an interim wage rate methodology that reflected a simple average of national wage rates from countries found to meet both criteria under section 733(c)(4) of the Act. Industry-specific data, if available, is now the presumptive surrogate data used in the Department's calculations. *See Certain New Pneumatic Off-the-Road-Tires from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review,* 75 FR 64259 (October 19, 2010) ("*Tires from the PRC*"); *see also Certain Activated Carbon from the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review,* 75 FR 70208 (November 18, 2010) and accompanying Issues and Decision Memorandum at Comment 4f ("*Activated Carbon Final*").

Labor Statistics. Chapter 5B captures the pre-tax monetary remuneration received by the employee.

Chapter 5B data includes two types of compensation: (1) Direct wages and salaries ("wages"), as well as (2) earnings data, which include wages plus bonuses and gratuities ("earnings"). The Department prefers "earnings" data, when available, since it more accurately reflects the full remuneration received by workers. *See Antidumping Methodologies Notice,* 71 FR at 61721.

The ILO defines Chapter 5B wage rate data to include:

> Basic wages, cost-of-living allowances and other guaranteed and regularly paid allowances, but *exclude* overtime payments, bonuses and gratuities, family allowances and other social security payments made by employers. *Ex gratia* payments in kind, supplementary to normal wage rates, are also *excluded*.[3]

The ILO defines Chapter 5B earnings data to include:

> Remuneration in cash and in kind paid to employees, as a rule at regular intervals, for time worked or work done together with remuneration for time not worked, such as for annual vacation, other paid leave or holidays. Earnings *exclude* employers' contributions in respect of their employees paid to social security and pension schemes and also the benefits received by employees under these schemes. Earnings also *exclude* severance and termination pay.[4]

The ILO Chapter 5B data that the Department currently uses in its interim, simple-average industry-specific wage rate methodology for valuing labor is comprehensive (*i.e.,* this dataset includes annual earnings and wage data reported by most countries in the world). Additionally, the ILO Chapter 5B data is reported both on a national and an industry-specific level for each reporting country.

Under the current interim wage rate methodology, the Department assumes that indirect labor costs (*i.e.,* employer expenses for social benefits, pensions and training, etc.) are included in the calculated surrogate financial ratios (*i.e.,* factory overhead ("OH"), selling, general and administrative ("SG&A") expenses, and profit) for the NME producer. When the OH and SG&A line items are disaggregated, the Department has a practice of adjusting the surrogate financial ratios for OH, SG&A, and profit by categorizing all identifiable labor costs not included in the ILO's definition of Chapter 5B data as overhead expenses.[5] However, when OH and SG&A are aggregated, the Department is unable to determine whether adjustments are needed to account for all of the indirect labor-related costs.

Due to concerns that reliance on data from Chapter 5B of the ILO may under-count the NME producer's labor costs, the Department is considering alternative data sources for valuing labor to ensure all labor costs incurred by the NME producer are accounted for in the normal value ("NV") calculation. The Department proposes relying on labor and wage data that include all costs incurred by the producer related to labor including wages, benefits, housing, training, etc. One example of such a data source is "Chapter 6A: Labor Cost in Manufacturing" from the ILO Yearbook of Labour Statistics.

The ILO defines Chapter 6A data to include:

> The cost incurred by the employer in the employment of labour. The statistical concept of labour cost comprises remuneration for work performed, payments in respect of time paid for but not worked, bonuses and gratuities, the cost of food, drink and other payments in kind, cost of workers' housing borne by employers, employers' social security expenditures, cost to the employer for vocational training, welfare services and miscellaneous items, such as transport of workers, work clothes and recruitment, together with taxes regarded as labour cost * * *.[6]

The ILO Chapter 6A data include all costs related to labor including wages, benefits, housing, training, etc.[7] To the extent that Chapter 6A data includes some of the expenses that may already be captured in the surrogate financial ratios, there is a possibility that the use of Chapter 6A data may overstate the cost of labor in certain cases. The Department's ability to identify and adjust for such individual labor costs is fact-specific in nature and subject to the available information on the record of the specific proceeding. *See Antidumping Methodologies Notice,* 71 FR at 61721. There will be some cases where information is available to make such adjustments, but there will be other cases where the Department cannot make such an adjustment due to a lack of available data. However, if the Department does not use an all inclusive data source, such as the ILO Chapter 6A data, the NME producer's total labor cost will be understated in cases where the surrogate financial statements do not include certain indirect labor costs that are also excluded from ILO Chapter 5B data.

The Department further notes its preference for data from as many countries as possible when considering alternative data sources for valuing labor, such as the ILO Chapter 6A data. Although information from a single surrogate country can reliably be used to value other FOPs, wage data from a single surrogate country does not normally constitute the best available information for purposes of valuing the labor input due to the variability that exists across wages from countries with similar GNI.[8] As a result, we do not find reliance on wage data from a single country to be preferable where data from multiple countries are available for the Department to use.[9] Although the Department discounted the use of the ILO Chapter 6A data in 2006 because very few market economy countries reported labor data, this may no longer be the case.[10] As of January 2011, sixty-six market economy countries reported ILO Chapter 6A data at the national level. Though it is improbable that all of these countries would be considered economically comparable to the country subject to an investigation or review, sixty-six is not an insignificant number of initial countries. The Department also notes that some market economy countries report industry-specific data under ILO Chapter 6A, which is in keeping with the Department's current, interim practice of relying on industry-specific data within the existing ILO source where available. The Department is aware that there may be data constraints using industry-specific data classified under ILO Chapter 6A because fewer market economy countries that are found to be economically comparable to a subject country report industry-specific under ILO Chapter 6A than under ILO Chapter 5B. Accordingly, in determining whether to source wage data from alternative data sources, such as ILO Chapter 6A, the Department will need to evaluate how to address situations where there are significant data constraints in light of its current preference for data from multiple countries at the industry-specific level.

[3] *See http://laborsta.ilo.org/applv8/data/c5e.html* (emphasis added).

[4] *Id* (emphasis added).

[5] *See Folding Metal Tables and Chairs from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 71 FR 2905 (January 18, 2006) and accompanying Issues and Decision Memorandum, at Comment 1.

[6] *See http://laborsta.ilo.org/applv8/data/c6e.html.*

[7] *See Antidumping Methodologies Notice,* 71 FR at 61721.

[8] *See e.g.,* International Labor Organization, *Global Wage Report: 2009 Update,* (2009) at 5, 7, 10. *http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/documents/publication/wcms-116500.pdf.*

[9] Both the statute and our regulations recognize the need to source factor data from more than one country where appropriate. *See* Sections 773(c)(1) and (c)(4) of the Act and 19 CFR 351.408(c)(2).

[10] *See Antidumping Methodologies Notice,* 71 FR at 61721.

The Department invites parties to comment on these methodological issues described above.

Request for Comment on Interim Industry-Specific Wage Rate Methodology

As discussed above, the Department's interim methodology for valuing labor in NME antidumping proceedings utilizes a simple-average industry-specific wage rate calculated with data reported in Chapter 5B of the ILO Yearbook of Labour Statistics. Under this interim methodology, the Department calculates an hourly wage rate by averaging industry-specific earnings and/or wages in countries that are economically comparable to the subject country and are significant producers of the comparable merchandise, pursuant to section 773(c)(4) of the Act. The following steps explain the current interim industry-specific methodology.

First, in order to determine the economically comparable surrogate countries from which to calculate a surrogate wage rate, the Department reviews the Surrogate Country Memo issued in each proceeding. Early in each case, the Department selects a number of countries for consideration as the surrogate country for that case.[11] To determine which countries are at a level of economic development comparable to that of the NME country in question, the Department places primary emphasis on per capita GNI.[12] The Department relies on GNI from the most recent year available, currently 2008, to generate an initial limited list of countries considered to be economically comparable to the subject country.[13] From this list of countries contained in the Surrogate Country Memo, the Department identifies the country with the highest GNI and the lowest GNI as "bookends" for economic comparability.[14] Relying on the World Bank's World Development Report,[15] the Department then identifies all countries with per capita incomes from the same year that fall between the country with the highest GNI, and the country with the lowest GNI (commonly referred to as the "bookend" countries). This is the "GNI band" of countries that the Department considers to be economically comparable to the country in question for calculating wage rates.

Second, regarding the "significant producer" prong of the antidumping statute (section 773(c)(4)(B) of the Act), the Department identifies all countries that had exports based on value data for exports of comparable merchandise (*i.e.,* exports of any goods, by value, under the six-digit Harmonized Tariff Schedule ("HTS") categories contained in the scope of the investigation or review). The Department obtains this export data for the last three years of available data. After obtaining total exports by value of comparable merchandise for all reporting countries, the Department filters the dataset to include only countries that are listed within the "GNI band." If any of these countries had exports of the comparable merchandise for the last three years, that country is considered to be a significant producer.

Third, the Department selects the most appropriate industry-specific wage data based on the scope of the investigation or review, and the availability of industry-specific data.[16] Industry-specific wage/earning data is reported by countries to the ILO under the United Nations' International Standard Classification of All Economic Activities (ISIC).[17] The Department determines the most appropriate industry-specific wage rate/earning data for the subject industry by examining the ISIC industry classifications and determining which classification is most specific to the subject product for the most recent revision (currently Rev. 4). If no wage data is available for that industry, the examination moves to the next most recent revision, (*i.e.,* Rev. 3.1, Rev. 3, and Rev. 2, *etc.*).

Fourth, using the selected industry-specific wage rate data for the countries that are economically comparable to the subject country and significant producers of comparable merchandise, the Department chooses an earnings/wage rate that is most contemporaneous with the period of the subject proceeding. Various types of earnings/wages in that industry-specific wage rate data are sorted by a set of filters to arrive at the most appropriate single earnings/wage rate.[18]

Fifth, the Department inflates the selected single earnings or wage rate for each country to the year that covers the majority of the period of the proceeding using the relevant Consumer Price Index ("CPI").[19] Next, the Department converts these inflation-adjusted hourly earnings or wage rate data for each country, which are denominated in each country's national currency, to U.S. dollars using annual exchange rates [20] as reported by the IMF's *IFS* for the year that covers the majority of the period of investigation or review. Finally, the Department calculates a simple-average,

[11] *See* Policy Bulletin 04.1: Non-Market Economy Surrogate Country Selection Process, March 1, 2004 ("Policy Bulletin").

[12] It is Departmental practice, pursuant to 19 CFR 408, to use per capita GNI, rather than per capita GDP, because while the two measures are very similar, per capita GNI is reported across almost all countries by an authoritative source (the World Bank), and because the Department believes that the per capita GNI represents the single best measure of a country's level of total income and, thus, level of economic development. *See Antidumping Methodologies Notice,* 71 FR 61716, 61716 at n. 2.

[13] The Department notes that this initial list of countries is part of a non-exhaustive list of countries that are at a level of economic development comparable to the subject country.

[14] *Cf. Dorbest II,* at *10–17. Parties are invited to address this case in their comments.

[15] Indicator: GNI per capita, Atlas Method (current US$) is obtained from *http://data.worldbank.org/indicator/.*

[16] The CIT in *Dorbest II* affirmed the Department's decision to use industry-specific data as "reasonable and in compliance with the statutory requirements " set forth in Section 773(c)(4) of the Act. *Dorbest II,* at *25–27.

[17] The ISIC identifies different industry classifications. The ISIC provides industry classifications by section (*i.e.,* A—Agriculture, hunting, and forestry), then at the two-digit division level (*i.e.,* 01—Agriculture, hunting, and related service activities), then further sub-detail at the three-digit major group level (*i.e.,* 011—Growing of crops; market gardening; horticulture), and sometimes a four-digit group level (*i.e.,* 0111—Growing of cereals and other crops, nec.). There are explanatory notes at the two-digit division level, three-digit major group level, and four-digit group level that provide a detailed list of the industries covered in and excluded from each classification.

The ISIC also has different revisions of this classification system: Rev. 2 (1968); Rev. 3 (1989); Rev. 3.1 (2002); and Rev. 4 (2008).

[18] The Department filters the data based on ILO data parameters in the following order:

1. "Type of Data—I," *i.e.,* reported under the categories earnings or wages. We use earnings data if available and wages data where earnings data are not available;

2. "Sex," *i.e.,* male/female coverage (we eliminate male only, female only, and indices data);

3. "Contemporaneity," *i.e.,* the Department uses the most recent earnings/wage rate data point available;

4. "Worker Coverage," *i.e.,* the Department selects from the following categories in the following hierarchy: (1) Wage earners; (2) employees; (3) salaried employees; and (4) total employment;

5. "Type of Data—II," *i.e.,* the unit of time for which the wage is reported. The Department selects from the following categories in the following hierarchy: (1) Per hour; (2) per day; (3) per week; or (4) per month. Where data is not available on a per-hour basis, the Department converts that data to an hourly basis based on the premise that there are 8 working hours per day, 5.5 working days a week and 24 working days per month.

"Source ID," *i.e.,* a code for the source of the data. The Department prioritizes data with a "Source ID" value of "no value" over "1," "2" and "3," in that order.

[19] The CPI for each country is obtained from the International Monetary Fund ("IMF")'s *International Financial Statistics ("IFS")* database, located at *http://www.imfstatistics.org/imf.*

[20] The exchange rate for each country is obtained from the IMF's IFS database by selecting: (1) "Economic Concept View;" (2) "Country Exchange Rates;" (3) "National Currency Per US$ (Per Avg);" and (4) "RF.ZF NC/US$, Period Average."

industry-specific wage rate across the selected countries.

Since implementing this interim industry-specific wage rate methodology, the Department has encountered a number of methodological and practical challenges that must be considered in evaluating whether this methodology should be adopted for the longer term. For example, the Department normally prefers using multiple data points when evaluating labor data, because of the large variance in wage rates, as explained above. However, relying on industry-specific data necessarily constrains the amount of available data. Additionally, the Department notes that the interim method is a significant endeavor that requires screening hundreds of data points in each case. Given the statutory time constraints present in every proceeding, the Department will also be evaluating this methodology in relation to its long-term administrative feasibility. Based on the challenges described above by the Department regarding the interim industry-specific wage rate methodology, the Department invites comments by parties on these issues.

Submission of Comments

To be assured of consideration, comments must be received no later than March 21, 2011. All comments must be submitted through the Federal eRulemaking Portal at *http://www.regulations.gov,* Docket No. ITA–2010–0010, unless the commenter does not have access to the Internet. Commenters that do not have access to the Internet may submit the original and two copies of each set of comments by mail or hand delivery/courier. All comments should be addressed to the Secretary of Commerce, Attention: Christopher Mutz, Office of Policy, Room 1870, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

The Department will consider all comments received before the close of the comment period. The Department will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. All comments responding to this notice will be a matter of public record and will be available for inspection at Import Administration's Central Records Unit (Room 7046 of the Herbert C. Hoover Building) and on the Department's Web site at *http://www.trade.gov/ia/*.

Any questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Andrew Lee Beller, Import Administration Webmaster, at (202) 482–0866, e-mail address: *webmaster-support@ita.doc.gov*.

Dated: February 14, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–3743 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–836]

Light-Walled Rectangular Pipe and Tube From Mexico; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

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

SUMMARY: On September 13, 2010, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on light-walled rectangular pipe and tube from Mexico. This first administrative review covers nine manufacturers/exporters and has a period of review (POR) from January 30, 2008, through July 31, 2009. On January 6, 2011, the Department published a notice in which it extended the time limit for completion of the final results of the review until no later than February 10, 2011.

Based on our analysis of the comments received on the preliminary results, we have made changes to the margin calculations for two companies and, as a result, the final results of review differ from the preliminary results for all companies. The final dumping margins for all companies are listed below in the section entitled "Final Results of Review."

FOR FURTHER INFORMATION CONTACT: John Drury/Brian Davis (Regiopytsa) or Edythe Artman (Maquilacero), AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0195, (202) 482–7924, or (202) 482–3931, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 2010, the Department published the preliminary results of the administrative review of the antidumping duty order on light-walled rectangular pipe and tube from Mexico. *See Light-Walled Rectangular Pipe and Tube From Mexico: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 55559 (September 13, 2010) (*Preliminary Results*). This first administrative review of the order covers sales of subject merchandise, as described in the "Scope of the Order" section below, made during the POR from January 30, 2008, through July 31, 2009. Although we named nine companies in the notice of initiation for this review,[1] we only examined the individual sales of two companies—Maquilacero S.A. de C.V. (Maquilacero) and Regiomontana de Perfiles y Tubos S.A. de C.V. (Regiopytsa). *See* "Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Mexico: Respondent Selection Memorandum" from Ericka Ukrow, International Trade Compliance Analyst, AD/CVD Operations, Office 7, to Richard O. Weible, Director, AD/CVD Operations, Office 7, dated October 15, 2009 (Respondent Selection Memorandum).

We invited parties to comment on the *Preliminary Results* (75 at 55567) and received case and rebuttal briefs from the respondent companies, companies not selected for individual examination, and the domestic interested parties.[2] None of the parties requested a hearing on the issues raised in comments.

On January 6, 2011, the Department published a notice in which it extended the limit for completion of the final results of review until no later than February 10, 2011. *See Light-Walled Rectangular Pipe and Tube From Mexico: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review,* 76 FR 774 (January 6, 2011).

Period of Review

The POR is from January 30, 2008, through July 31, 2009.

Scope of the Order

The merchandise that is the subject of this order is certain welded carbon-quality light-walled steel pipe and tube,

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 74 FR 48224, 48225 (September 22, 2009).

[2] These parties identified themselves as Atlas Tube, Bull Moose Tube Company, and Searing Industries, Inc., in their August 28, 2009, request for an administrative review.

of rectangular (including square) cross section, having a wall thickness of less than 4 mm. The term carbon-quality steel includes both carbon steel and alloy steel which contains only small amounts of alloying elements. Specifically, the term carbon-quality includes products in which none of the elements listed below exceeds the quantity by weight respectively indicated: 1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent vanadium, or 0.15 percent of zirconium. The description of carbon-quality is intended to identify carbon-quality products within the scope. The welded carbon-quality rectangular pipe and tube subject to this order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7306.61.50.00 and 7306.61.70.60. While HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping duty administrative review are addressed in the "Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Mexico" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, dated February 10, 2011 (Decision Memorandum), which is hereby adopted by this notice. A list of all issues, which parties have raised and to which we have responded, is in the Decision Memorandum and attached to this notice as an appendix. The Decision Memorandum, which is a public document, contains a complete discussion of the issues raised in the review and their corresponding recommendations and is on file in the Central Records Unit (CRU) of the main Department of Commerce building, Room 7046. In addition, a complete version of the memorandum can be accessed on the Internet at *http://ia.ita.doc.gov/frn/index.html*. The paper copy and electronic version of the Decision Memorandum are identical in content.

Rates for Non-Selected Companies

For reasons set forth in our Respondent Selection Memorandum, we selected two companies, Maquilacero and Regiopytsa, for individual examination of their sales of the subject merchandise to the United States during the POR as permitted under section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act). For the final results, we have not changed the basis of the rate we applied to companies not selected for individual examination. In the *Preliminary Results,* we assigned the simple-average margin of the selected companies because Regiopytsa's public quantity-and-value sales information was indexed (as permitted under 19 CFR 351.304(c)), thereby making it impossible for us to calculate a weighted-average margin of the selected companies. *See Preliminary Results,* 75 FR at 55567. Thus, for the final results, we have continued to take the simple average of the revised margins for Maquilacero and Regiopytsa and applied this rate to the companies not selected for individual examination.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made revisions that have changed the results for all companies subject to this review (*i.e.,* including the companies named in the initiation notice but not selected for examination of individual sales). Where the revisions required corrections or modifications to programming language or draft instructions to U.S. Customs and Border Protection (CBP), any such changes have been detailed in company-specific analysis memoranda and cost-adjustment memoranda for Maquilacero and Regiopytsa; all memoranda are dated concurrently with this notice and are on file in the CRU.

For Maquilacero, we have made the following revisions:

(1) We have adjusted the calculation of general and administrative (G&A) expenses by disallowing an offset, which Maquilacero claimed for revenue earned from a special project. We have also removed labor expenses, related to the special project, from the calculation of variable overhead expenses as a result of the offset disallowance. For a discussion of these adjustments, *see* Comment 3 of the Decision Memorandum.

(2) We have revised the draft liquidation instructions in order to clarify that, for the gap period (*i.e.,* July 28, 2008, through August 4, 2008), the CBP should terminate the suspension of liquidation of any entries and liquidate the entries without regard to antidumping duties. (We have similarly revised the draft liquidations instructions for Regiopytsa and the companies not selected for individual examination.) *See* Comment 4 of the Decision Memorandum.

(3) We have corrected the margin-calculation program so that domestic inland freight and domestic brokerage and handling expenses are converted from Mexican pesos to U.S.-dollar amounts before being deducted from U.S. price. *See* Comment 5 of the Decision Memorandum.

For Regiopytsa, we have made the following changes:

(1) We have revised our calculation to follow the Department's practice of basing the universe of sales on the entry date of export-price sales, where this information has been made available to the record. *See* Comment 2 of the Decision Memorandum.

(2) We have revised our calculation to follow the Department's practice of capping sales-related revenues (in this case interest and insurance revenues) to offset directly associated sales expenses. *See* Comment 6 of the Decision Memorandum.

(3) We have modified the margin program to ensure that, for products not produced in all six quarters, the total costs of manufacturing reflect quarterly values for scrap cost, scrap revenue, and the reconciliation adjustment, rather than values from the earliest quarter of production. *See* Comment 7 of the Decision Memorandum.

Final Results of the Review

We determine that the following weighted-average or, if appropriate, simple-average dumping margins exist on light-walled rectangular pipe and tube from Mexico for the period January 30, 2008, through July 31, 2009:

[3] On August 18, 2009, the Department determined that Ternium Mexico, S.A. de C.V., is the successor-in-interest to Hylsa S.A. de C.V. and should be treated as such for antidumping duty cash-deposit purposes. *See Final Results of Antidumping Duty Changed Circumstances Review: Light-Walled Rectangular Pipe and Tube From Mexico,* 74 FR 41680 (August 18, 2009).

Manufacturer or exporter	Percentage margin
Maquilacero S.A. de C.V.	3.11
Regiomontana de Perfiles y Tubos S.A. de C.V.	9.15
Galvak S.A. de C.V.	6.13
Hylsa S.A. de C.V.	6.13
Industrias Monterrey S.A. de C.V.	6.13
Nacional de Acero S.A. de C.V.	6.13
Perfiles y Herrajes LM S.A. de C.V.	6.13
Productos Laminados de Monterrey S.A. de C.V.	6.13
Ternium Mexico S.A. de C.V.[3]	6.13

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), the Department normally calculates an assessment rate for each importer of the subject merchandise covered by the review. Because both Maquilacero and Regiopytsa reported the entered value for all U.S. sales, we have calculated importer-specific, *ad valorem* duty assessment rates based on the ratio of each importer's total amount of antidumping duties calculated for the examined sales to the total entered value of the sales for that importer. Where an assessment rate is above *de minimis* (*de minimis* being less than 0.5 percent in a review), we will instruct CBP to assess duties on all entries of subject merchandise for that importer during the period from August 5, 2008, through July 31, 2009. For entries made during the provisional-measures period (i.e., January 30, 2008, through July 27, 2008), we will instruct CBP to liquidate the entries at the proper assessment rates for Maquilacero and Regiopytsa, pursuant to section 737(a) of the Act.

For the companies not selected for individual examination, we will instruct CBP to apply the rates listed above and to the entries of subject merchandise produced and/or exported by such companies and entered during the period from August 5, 2008, through July 31, 2009. The rates were obtained by averaging the cash-deposit rates calculated for the companies selected for individual examination. For entries made during the provisional-measures period, we will instruct CBP to apply the lower of the rates calculated or assigned to the companies as a result of our preliminary and final determinations for the less-than-fair-value (LTFV) investigation, if the lower rate is above *de minimis.* If the lower is below *de minimis,* we will instruct CBP to liquidate the entries without assessment of antidumping duties. If a firm was not assigned a company-specific rate as a result of our investigation, then we will instruct CBP to apply the rate of 3.76 percent, the all-others rate established by our amended final determination for the investigation, as this rate was lower than the all-others rate calculated for the preliminary determination. *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube From Mexico, 73 FR 45400, 45401 (August 5, 2008) (Amended Final Determination).*

For any entries of subject merchandise made during the period from July 28, 2008, through August 4, 2008, we will instruct CBP to terminate the suspension of liquidation and to liquidate these entries without regard to antidumping duties.

The Department clarified its "automatic assessment" regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Notice*). This clarification will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which these companies did not know that the merchandise it sold to an intermediary was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Assessment Notice.*

Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis.* The Department intends to issue assessment instructions directly to CBP 15 days after the publication of these final results of review.

Cash-Deposit Requirements

The following cash-deposit requirements will be effective upon publication of these final results of review for all shipments of the subject merchandise entered or withdrawn from warehouse for consumption on or after the date of publication, consistent with section 751(a)(1) of the Act: (1) The cash-deposit rates for the reviewed companies will be the rates listed above; (2) if the exporter is not a firm covered in this review but that was covered in the less-than-fair-value (LTFV) investigation, the cash-deposit rate will continue to be the company-specific rate established in the investigation; (3) if the exporter is not a firm covered in this review or the investigation but the manufacturer is, the cash-deposit rate will be the rate established for the manufacturer in the LTFV investigation; and (4) the cash-deposit rate for all other manufacturers or exporters will continue to be 3.76 percent, the all-others rate published in the amended final determination of the LTFV investigation. *See Amended Final Determination.*

These deposit requirements shall remain in effect until further notice.

Notifications to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 10, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

Appendix

1. Offsetting of Negative Margins
2. Inclusion of Sales Entered After Review Period
3. Revenue Offset to General and Administrative Expenses for a Special Project
4. Clarification to Draft Liquidation Instructions for First Review Period
5. Clerical Errors
   - A. Currency Conversion of Movement Expenses
   - B. Capping of Sales-Related Revenues
   - C. Indexing of the Department's Cost Adjustment and Scrap Cost and Revenue on a Quarterly Basis

[FR Doc. 2011–3746 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

President's Export Council: Meeting of the President's Export Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The President's Export Council will hold a meeting to discuss topics related to the National Export Initiative, and to provide advice regarding how to promote U.S. exports, jobs, and growth.

DATES: March 11, 2011 at 9:30 a.m. (ET).

ADDRESSES: The President's Export Council will convene its next meeting via live webcast on the Internet at *http://whitehouse.gov/live*.

FOR FURTHER INFORMATION CONTACT: J. Marc Chittum, President's Export Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC, 20230, telephone: 202–482–1124, e-mail: *Marc.Chittum@trade.gov*.

SUPPLEMENTARY INFORMATION:

Background: The President's Export Council was first established by Executive Order on December 20, 1973 to advise the President on matters relating to U.S. export trade and report to the President on its activities and on its recommendations for expanding U.S. exports. The President's Export Council was renewed most recently by Executive Order 13511 of September 29, 2009, for the two-year period ending September 30, 2011.

Public Submissions: The public is invited to submit written statements to the President's Export Council by C.O.B. March 1, 2011 by either of the following methods:

Electronic Statements

Send electronic statements to the President's Export Council Web site at *http://trade.gov/pec/peccomments.asp*; or

Paper Statements

Send paper statements to J. Marc Chittum, President's Export Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC, 20230.

All statements will be posted on the President's Export Council Web site (*http://trade.gov/pec/peccomments.asp*) without change, including any business or personal information provided such as names, addresses, e-mail addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Meeting minutes: Copies of the Council's meeting minutes will be available within 90 days of the meeting.

Dated: February 16, 2011.

J. Marc Chittum,

Executive Secretary, President's Export Council.

[FR Doc. 2011–3859 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northeast Region Vessel Identification Collection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), 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.

DATES: Written comments must be submitted on or before April 19, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Lindsey Feldman, (978) 675–2179 or *Lindsey.Feldman@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

Regulations at 50 CFR 648.8 and § 697.8 require that owners of vessels over 25 ft (7.6 m) in registered length that have Federal permits to fish in the Northeast Region display the vessel's name and official number. The name and number must be of a specific size at specified locations. The display of the identifying characters aids in fishery law enforcement.

II. Method of Collection

No information is submitted to NOAA Fisheries as a result of this collection. The vessel name must be affixed to the port and starboard sides of the bow and, if possible, on its stern. The official number must be displayed on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft.

III. Data

OMB Control Number: 0648–0350.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Individuals and households, business or other for-profit organizations.

Estimated Number of Respondents: 4,920.

Estimated Time per Response: 45 minutes to affix vessel name and registration number to the vessel.

Estimated Total Annual Burden Hours: 3,690.

Estimated Total Annual Cost to Public: $36,900 for paintbrushes, paint, and stencils.

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: February 14, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–3682 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northeast Region Observer Providers Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA), 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.

DATES: Written comments must be submitted on or before April 19, 2011.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Lindsey Feldman, 978–275–2179 or *Lindsey.Feldman@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce (Secretary) has the responsibility for the conservation and management of marine fishery resources. Much of this responsibility has been delegated to the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS). Under this stewardship role, the Secretary was given certain regulatory authorities to ensure the most beneficial uses of these resources. One of the regulatory steps taken to carry out the conservation and management objectives is to collect data from users of the resource.

Regulations at 50 CFR 648.11(g) require observer service providers to comply with specific requirements in order to operate as an approved provider in the Atlantic sea scallop (scallop) fishery. Observer service providers must comply with the following requirements: Submit applications for approval as an observer service provider; formally request observer training by the Northeast Fisheries Observer Program (NEFOP); submit observer deployment reports and biological samples; give notification of whether a vessel must carry an observer within 24 hours of the vessel owner's notification of a prospective trip; maintain an updated contact list of all observers that includes the observer identification number; observer's name mailing address, e-mail address, phone numbers, homeports or fisheries/trip types assigned, and whether or not the observer is "in service." The regulations also require observer service providers submit any outreach materials, such as informational pamphlets, payment notification, and descriptions of observer duties as well as all contracts between the service provider and entities requiring observer services for review to NMFS/NEFOP. Observer service providers also have the option to respond to application denials, and submit a rebuttal in response to a pending removal from the list of approved observer providers. These requirements allow NMFS/NEFOP to effectively administer the scallop observer program.

II. Method of Collection

The approved observer service providers submit information to NMFS/NEFOP via e-mail, fax, or postal service.

III. Data

OMB Control Number: 0648–0546.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 805.

Estimated Time per Response: Application for approval of observer service provider, 10 hours; applicant response to denial of application for approval of observer service provider, 10 hours; observer service provider request for observer training, 30 minutes; observer deployment report, 10 minutes; observer availability report, 10 minutes; safety refusal report, 30 minutes; submission of raw observer data, 5 minutes; observer debriefing, 2 hours; biological samples, 5 minutes; rebuttal of pending removal from list of approved observer service providers, 8 hours; vessel request to observer service provider for procurement of a certified observer, 25 minutes; vessel request for waiver of observer coverage requirement, 5 minutes; observer contact list updates, 5 minutes; observer availability updates, 1 minute; service provider material submissions, 30 minutes; service provider contracts, 30 minutes.

Estimated Total Annual Burden Hours: 619.

Estimated Total Annual Cost to Public: $6,270.

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: February 14, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–3683 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Monitor National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries, National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The ONMS is seeking applicants for the following seats on the Monitor National Marine Sanctuary advisory council (council): Citizen-at-Large seat, two (2) Recreational/Commercial Fishing seats, Heritage Tourism seat, and Economic Development seat. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the

area affected by the sanctuary. Applicants who are chosen as members should expect to serve 2-year terms, pursuant to the council's Charter.

DATES: Applications are due by April 29, 2011.

ADDRESSES: Application kits may be obtained from Shannon Rides, 100 Museum Drive, Newport News, VA 23606. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Shannon Ricles, 100 Museum Drive, Newport News, VA 23606, 757–591–7328, *Shannon.ricles@noaa.gov.*

SUPPLEMENTARY INFORMATION: Established in 1975 as the Nation's first marine sanctuary, the Monitor National Marine Sanctuary is managed by NOAA's Office of National Marine Sanctuaries. It is one of 13 sanctuaries and protects the wreck of the famed Civil War ironclad, USS Monitor, best known for its battle with the Confederate ironclad, CSS Virginia in Hampton Roads, Va., on March 9, 1862.

The advisory council consists of 18 members and five alternates: 12 non-governmental voting members, five governmental voting members, and one non-voting Youth Seat. The council seats represent a variety of regional interests and stakeholders, including: Citizen-at-Large, Conservation, Economic Development, Education, Heritage Tourism, Maritime Archaeological Research, North Carolina Maritime Museums, Recreational/Commercial Fishing, Recreational Diving, The Mariners' Museum, Youth, the U.S. Navy, North Carolina Department of Cultural Resources, Virginia Department of Historic Resources, the National Park Service, and the U.S. Coast Guard. It is the combined expertise and experience of these individuals that creates an advisory council that is a valuable and effective resource for the sanctuary manager.

The council's objectives are to provide the sanctuary manager with advice on: (1) Protecting natural and cultural resources, and identifying and evaluating emergent or critical issues involving sanctuary use or resources; (2) identifying and realizing the sanctuary's research objectives; (3) identifying and realizing educational opportunities to increase public knowledge and stewardship of the sanctuary environment; and (4) developing an informed constituency to increase awareness and understanding of the purpose and value of the sanctuary and the National Marine Sanctuary System.

The council may serve as a forum for consultation and deliberation among its members and as a source of advice to the sanctuary manager regarding the management of the Monitor National Marine Sanctuary. The sanctuary advisory council holds open meetings to ensure continued public input on management issues and to increase public awareness and knowledge of the sanctuary environment. Public participation at these meetings is welcomed and encouraged.

Authority: 16 U.S.C. 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 10, 2011.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2011–3663 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA224

Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT); Spring Species Working Group Meeting

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

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Advisory Committee (Committee) to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) announces its spring meeting with its Species Working Group Technical Advisors on March 7–9, 2011. The Committee will meet to discuss matters relating to ICCAT, including the 2010 Commission meeting results; research and management activities; global and domestic initiatives related to ICCAT; the Atlantic Tunas Convention Act-required consultation on the identification of countries that are diminishing the effectiveness of ICCAT; the results of the meetings of the Committee's Species Working Groups; and other matters relating to the international management of ICCAT species.

DATES: The open sessions of the Committee meeting will be held on March 7, 2011, 6 p.m. to 7 p.m.; March 8, 2011, 8:30 a.m. to 3 p.m.; and March 9, 2011, 9 a.m. to 1:15 p.m. Closed sessions will be held on March 8, 2011, 3:15 p.m. to 6 p.m., and on March 9, 2011, 8 a.m. to 9 a.m.

ADDRESSES: The meeting will be held at the Crowne Plaza, 8777 Georgia Avenue, Silver Spring, MD 20910. The phone number is (301) 589–0800.

FOR FURTHER INFORMATION CONTACT: Rachel O'Malley at (301) 713–9505.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in open session to receive and discuss information on the 2010 ICCAT meeting results and U.S. implementation of ICCAT decisions; NMFS research and monitoring activities; 2010 ICCAT activities; global and domestic initiatives related to ICCAT; the Atlantic Tunas Convention Act-required consultation on the identification of countries that are diminishing the effectiveness of ICCAT; the results of the meetings of the Committee's Species Working Groups; and other matters relating to the international management of ICCAT species. The public will have access to the open sessions of the meeting, but there will be no opportunity for public comment.

The Committee will meet in its Species Working Groups for a portion of the afternoon of March 8, 2011, and for one hour on the morning of March 9, 2011. These sessions are not open to the public, but the results of the species working group discussions will be reported to the full Advisory Committee during the Committee's open session on March 9, 2011.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Rachel O'Malley at (301) 713–9505 at least 5 days prior to the meeting date.

Dated: February 15, 2011.

Rebecca J. Lent,

Director, Office of International Affairs, National Marine Fisheries Service.

[FR Doc. 2011–3737 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA226

Mid-Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Social and Economic Sub-Committee of the Mid-Atlantic Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will meet with the Council's Atlantic Mackerel, Squid and Butterfish Industry Advisory Panel (AP).

DATES: The meeting will be held on Tuesday, March 8, 2011, from 10 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at Four Points Sheraton, 7032 Elm Road, Baltimore, MD 21240; telephone: (410) 859–3000.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, PhD, Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council is considering a strategy that would allow for input from its Industry Advisory Panels in advance of SSC meetings where ABC recommendations are made. The vehicle of input the Council is considering is an Industry Advisory Panel Performance Report that details industry perspective on various factors which influence catch and effort in a given fishery in the previous year(s). The Council anticipates that this process will afford the industry an opportunity to offer their perspective on factors influencing abundance, availability, fishing effort, catch, *etc.* The purpose of the meeting is to allow for joint discussion among the SSC Economic and Social Subcommittee and industry advisors concerning development of an AP Performance Report.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office (302) 526–5251 at least 5 days prior to the meeting date.

Dated: February 14, 2011.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–3668 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA227

South Atlantic Fishery Management Council (Council); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council will hold a meeting of its Spiny Lobster Committee, Mackerel Committee, Ecosystem-Based Management Committee, Law Enforcement Advisory Panel, Joint Law Enforcement Committee and Advisory Panel, Golden Crab Committee, Shrimp Committee, Southeast Data, Assessment and Review (SEDAR) Committee, Joint Executive/Finance Committee, Standard Operating, Policy and Procedures (SOPPs) Committee, Snapper Grouper Committee and a meeting of the Full Council. The Council will take action as necessary.

The Council will also hold an open informal public question and answer session regarding agenda items, as well as public comment on Regulatory Amendment 9 to the Snapper Grouper Fishery Management Plan (FMP) addressing commercial trip limits and possible changes to black sea bass bag limits. *See* **SUPPLEMENTARY INFORMATION** for additional details.

DATES: The meeting will be held March 7–11, 2011. *See* **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meeting will be held at the Sea Palms Resort and Conference Center, 5445 Frederica Rd., St. Simons Island, GA 31522; telephone: (1–800) 841–6268 or (912) 638–3351; fax: (912) 638–5416. Copies of documents are available from Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: (843) 571–4366 or toll free at (866) SAFMC–10; fax: (843) 769–4520; e-mail: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION:

Meeting Dates

1. Spiny Lobster Committee Meeting: March 7, 2011, 1:30 p.m. Until 2:30 p.m.

The Spiny Lobster Committee will review the draft of Amendment 10 to the Spiny Lobster Fishery Management Plan for the Gulf of Mexico and South Atlantic Regions and the Draft Environmental Impact Statement (DEIS). Amendment 10 addresses the requirements of the Reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSA) including establishment of Annual Catch Limits (ACLs) and Accountability Measures (AMs). The committee will modify Amendment 10/DEIS based on Gulf Council actions as appropriate and approve the modified Amendment 10/DEIS for public hearing.

Concurrent Session

2. Law Enforcement Advisory Panel Meeting: March 7, 2011, 1:30 p.m. Until 5:30 p.m.

The Law Enforcement Advisory Panel (AP) will receive an overview, followed by a discussion and development of recommendations, on the following Council actions: Regulatory Amendment 9 to the Snapper Grouper FMP; black sea bass bag limit analysis; and the Comprehensive ACL Amendment. The Comprehensive ACL Amendment will specify ACLs, AMs and other values as mandated in the MSA for species managed by the Council and not subject to overfishing. This includes species in the Snapper Grouper, Coral, Golden Crab, and Dolphin Wahoo fishery management units.

The Committee will also review the Comprehensive Ecosystem-Based Amendment (CE–BA) 2 that includes regulatory measures pertaining to the harvest of octocorals and non-regulatory actions that update existing Essential Fish Habitat (EFH) information. CE–BA 2 also modifies management of Special

Management Zones in South Carolina, amends sea turtle release gear requirements for the commercial snapper grouper fishery, and designates new EFH and EFH/Habitat Areas of Particular Concern.

The AP will also review and provide recommendations for Regulatory Amendment 11 to the Snapper Grouper FMP containing alternatives to modify regulations pertaining to the deepwater species in order to reduce the socio-economic effects expected from the regulations in Amendment 17B to the Snapper-Grouper FMP while maintaining or increasing the biological protection to speckled hind and warsaw grouper in the South Atlantic.

3. Mackerel Committee Meeting: March 7, 2011, 2:30 p.m. Until 3:30 p.m.

The Mackerel Committee will review the draft of Amendment 18 to the Coastal Migratory Pelagic FMP for the Gulf of Mexico and South Atlantic and the Environmental Assessment (EA) requirements of the MSA to set ACLs and AMs for species managed in the FMP. The Committee will modify Amendment 18/EA based on Gulf Council actions as appropriate, approve the modified Amendment 18/EA for public hearing and provide direction to staff on Mackerel Amendment 19. Amendment 19 will address the sale of species in the FMP caught under the bag limit.

4. Ecosystem-Based Management Committee Meeting: March 7, 2011, 3:30 p.m. Until 5:30 p.m.

The Ecosystem-Based Management Committee will review comments from public hearings, receive an overview of the CE–BA 2 actions and alternatives and provide guidance to staff. The Committee will give the initial approval for CE–BA 2 and receive an update on ecosystem activities.

5. Joint Law Enforcement Committee and Advisory Panel Meeting: March 8, 2011, 8:30 a.m. Until 10 a.m.

The Joint Law Enforcement Committee and Advisory Panel will receive a presentation on vessel monitoring systems, and the AP will provide its report to the Committee.

6. Golden Crab Committee Meeting: March 8, 2011, 10 a.m. Until 11 a.m.

The Golden Crab Committee will review public scoping comments to Amendment 5 to the Golden Crab FMP addressing a catch share program for the commercial fishery and discuss appropriate changes to the amendment.

7. Shrimp Committee Meeting: March 8, 2011, 11 a.m. Until 12 noon

The Shrimp Committee will receive a report on the over-wintering status of the shrimp resource and determine if a closure is necessary.

8. SEDAR Committee Meeting: March 8, 2011, 1:30 p.m. to 2:30 p.m.

The SEDAR Committee will receive an update on SEDAR activities, a report on the SEDAR Steering Committee meeting, and follow-up actions. The Committee will develop recommendations for the May 2011 Steering Committee meeting.

9. Joint Executive/Finance Committees Meeting: March 8, 2011, 2:30 p.m. Until 3:30 p.m.

The Joint Executive/Finance Committees will receive a status report on the Calendar Year (CY) 2011 Council budget and activities, the status of the Fiscal Year 2011 Congressional budget, and will review and discuss the tentative CY 2011 Council budget and activities schedule.

10. SOPPs Committee Meeting: March 8, 2011, 3:30 p.m. Until 5 p.m.

The SOPPs Committee will develop changes to the operational policy and procedures in accordance with the final rule as proposed by staff.

11. Snapper Grouper Committee Meeting: March 9, 2011, 8:30 a.m. Until 5 p.m., and March 10, 2011, 8:30 a.m. Until 10 a.m.

The Snapper Grouper Committee will receive a report on activities within the Oculina Bank Experimental Closed Area and receive a report from the Scientific and Statistical Committee.

The Committee will receive an overview of the black sea bass bag limit issues and analysis and provide directions to staff.

The Committee will review public hearing comments regarding Regulatory Amendment 9, modify the amendment as appropriate, and approve the amendment for formal Secretarial review. Regulatory Amendment 9 addresses commercial trip limits for black sea bass, vermilion snapper, gag and greater amberjack.

The Committee will review and modify as appropriate Regulatory Amendment 11 and receive a report on the status of Amendment 18A. Amendment 18A includes improvements for fisheries statistics along with actions to modify the golden tilefish and black sea bass commercial fisheries.

The Committee will review the public hearing comments, modify, and recommend the initial approval of the Comprehensive Annual Catch Limit (ACL) Amendment.

The Committee will report on the status of Amendments 20, 21, 22 and 24 to the Snapper Grouper FMP. Amendment 20 concerns the current Individual Transferable Quota (ITQ) program for wreckfish. Amendment 21 addresses alternatives for management of the snapper grouper fishery, including effort and participation reductions, endorsements, catch shares, and regional quotas. Amendment 22 includes options for long-term management measures for red snapper in the South Atlantic as the stock rebuilds. Amendment 24 addresses requirements under the MSA for red grouper, including establishment of ACLs, AMs and a rebuilding plan.

Note: There will be an informal public question and answer session with an administrator from the National Marine Fisheries Service (NMFS) and the Council Chairman on March 9, 2011 beginning at 5:30 p.m.

Council Session: March 10, 2011, 10:30 a.m. until 5:15 p.m. and March 11, 2011, 8:30 a.m. until 12 noon (*Note:* a portion of the meeting will be Closed.)

Council Session: March 10, 2011, 10:30 a.m. until 5:15 p.m.

From 10:30 a.m.–10:45 a.m., the Council will call the meeting to order, adopt the agenda, and approve the December 2010 meeting minutes.

Note: A public comment period on Snapper Grouper Regulatory Amendment 9 and black sea bass bag limit changes will be held on March 10, 2011 beginning at 10:45 a.m. and followed by public comment regarding any other items on the Council agenda.

From 1:30 p.m.–3:30 p.m., the Council will receive a report from the Snapper Grouper Committee, approve Regulatory Amendment 9 for submission to the Secretary of Commerce, approve the black sea bass recreational bag limit changes, give the initial approval of the Comprehensive ACL Amendment, address issues from Regulatory Amendment 11, consider other Committee recommendations, and take action as appropriate.

From 3:30 p.m.–3:45 p.m., the Council will receive a report from the Spiny Lobster Committee, approve Spiny Lobster Amendment 10/DEIS for public hearing, consider other Committee recommendations, and take action as appropriate.

From 3:45 p.m.–4 p.m., the Council will receive a report from the Mackerel Committee, approve Mackerel Amendment 18/EA for public hearing, consider other Committee

recommendations, and take action as appropriate.

From 4 p.m.–4:15 p.m., the Council will receive a report from the Ecosystem-Based Management Committee, give initial approval of the CE–BA 2, consider other Committee recommendations, and take action as appropriate.

From 4:15 p.m.–4:30 p.m., the Council will receive a report from the Golden Crab Committee, consider Committee recommendations, and take action as appropriate.

From 4:30 p.m.–4:45 p.m., the Council will receive a report from the SEDAR Committee, consider Committee recommendations, and take action as appropriate.

From 4:45 p.m.–5:15 p.m. the Council will receive a legal briefing on litigation (closed session).

Council Session: March 11, 2011, 8:30 a.m. until 12 noon.

From 8:30 a.m.–8:45 a.m., the Council will receive a report from the joint Executive/Finance Committees and take action as appropriate.

From 8:45 a.m.–9 a.m., the Council will receive a report from the SOPPs Committee, approve any changes to SOPPs, consider Committee recommendations, and take action as appropriate.

From 9 a.m.–9:15 a.m., the Council will receive a report from the Law Enforcement Committee, consider Committee recommendations, and take action as appropriate.

From 9:15 a.m.–9:30 a.m., the Council will receive a report from the Shrimp Committee, consider Committee recommendations, and take action as appropriate.

From 9:30 a.m.–12 noon, the Council will receive status reports from NOAA Fisheries' Southeast Regional Office, NOAA Fisheries' Southeast Fisheries Science Center, review Experimental Fishing Permits as necessary, receive agency and liaison reports, and discuss other business including upcoming meetings.

Documents regarding these issues are available from the Council office (*see* **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal final Council action during these meetings. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Except for advertised (scheduled) public hearings and public comment, the times and sequence specified on this agenda are subject to change.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (*see* **ADDRESSES**) by March 3, 2011.

Dated: February 14, 2011.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–3650 Filed 2–17–11; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete products previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received On or Before: 3/21/2011.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

For Further Information or To Submit Comments Contact: Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products proposed for deletion from the Procurement List.

End of Certification

The following products are proposed for deletion from the Procurement List:

Products

NSN: 5350–00–229–3081—Cloth, Abrasive.
NPA: Louisiana Association for the Blind, Shreveport, LA.
NSN: 7930–01–512–7758—Food Service Cleaner.
NPA: The Lighthouse for the Blind, St. Louis, MO.
Contracting Activity: General Services Administration, Fort Worth, TX.
NSN: 7510–01–502–2918—Portfolio (16″ x 12″ x 4″).
NPA: South Texas Lighthouse for the Blind, Corpus Christi, TX.
Contracting Activity: General Services Administration, New York, NY.

Patricia Briscoe,

Deputy Director, Business Operations.

[FR Doc. 2011–3694 Filed 2–17–11; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and a service from the Procurement List previously furnished by such agencies.

DATES: *Effective Date:* 3/21/2011.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Patricia Briscoe, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 12/17/2010 (75 FR 78977–78978) and 12/27/2010 (75 FR 81235–81236), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the services to the Government.

2. The action will result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Warehouse/Receiving Service, Customs and Border Protection, 1 Puntilla Street, San Juan, PR.
NPA: The Corporate Source, Inc., New York, NY.
Contracting Activity: Department of Homeland Security, Bureau of Customs and Border Protection, National Acquisition Center, Indianapolis, IN.
Service Type/Location: Custodial Service, USDA, APHIS, PPQ, Honolulu International Airport, 300 Rodgers Blvd, Honolulu, HI.
NPA: Opportunities for the Retarded, Inc., Wahiawa, HI.
Contracting Activity: Dept of Agriculture, Animal and Plant Health Inspection Service, Minneapolis, MN.

Deletions

On 12/17/2010 (75 FR 78977–78978), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and service deleted from the Procurement List.

End of Certification

Accordingly, the following products and service are deleted from the Procurement List:

Products

NSN: 7510–01–555–6167—Inkjet printer cartridge.
NSN: 7510–01–555–6168—Inkjet printer cartridge.
NSN: 7510–01–555–6169—Inkjet printer cartridge.
NSN: 7510–01–555–6170—compatible with Epson Part No. T018201. Tri-color.
NSN: 7510–01–555–6171—Inkjet printer cartridge.
NSN: 7510–01–555–6173—Inkjet printer cartridge.
NSN: 7510–01–555–7720—Inkjet printer cartridge.
NSN: 7510–01–555–7721—Inkjet printer cartridge.
NSN: 7510–01–555–7722—Inkjet printer cartridge.
NSN: 7510–01–555–7723—Inkjet printer cartridge.
NSN: 7510–01–555–8067—Inkjet printer cartridge.
NPA: Alabama Industries for the Blind, Talladega, AL.
Contracting Activity: General Services Administration, New York, NY.
NSN: 7045–01–483–9279—3-1/2″ Drive Cleaning Kit.
NPA: Wiscraft Inc.—Wisconsin Enterprises for the Blind, Milwaukee, WI.
Contracting Activity: General Services Administration, New York, NY.

Service

Service Type/Location: Eyewear Prescription Service, Department of Health and Human Services, Phoenix Indian Medical Center, 4212 N. 16th Street, Phoenix, AZ.
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC.
Contracting Activity: Department of Health and Human Services, Washington, DC.

Patricia Briscoe,

Deputy Director, Business Operations.

[FR Doc. 2011–3687 Filed 2–17–11; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Procedures for Considering Requests From the Public for Textile and Apparel Safeguard Actions on Imports From Peru

AGENCY: The Committee for the Implementation of Textile Agreements.

ACTION: Notice of Procedures.

SUMMARY: This notice sets forth the procedures the Committee for the Implementation of Textile Agreements (the Committee) will follow in considering requests from the public for textile and apparel safeguard actions as provided for in Title III, Subtitle B, Section 321 through Section 328 of the United States-Peru Trade Promotion Agreement Implementation Act.

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

ADDRESSES: Requests must be submitted to: the Chairman, Committee for the Implementation of Textile Agreements, Room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Robert Carrigg, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–2573.

Background

Title III, Subtitle B, Section 321 through Section 328 of the United States-Peru Trade Promotion Agreement Implementation Act (the "Act") implements the textile and apparel safeguard provisions, provided for in Article 3.1 of the Agreement. The safeguard mechanism applies when, as a result of the elimination of a customs duty under the Agreement, a Peruvian textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof to a U.S. industry producing a like or directly competitive article. In these circumstances, Article 3.1 permits the United States to increase

duties on the imported article from Peru to a level that does not exceed the lesser of the prevailing U.S. most- favored-nation (MFN) duty rate for the article or the U.S. MFN duty rate in effect on the day before the Agreement enters into force.

The import tariff relief is effective beginning on the date that the Committee determines that a "Peruvian textile or apparel article," as defined in Section 301(2) of the Act, is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions that imports of the article cause serious damage, or actual threat thereof, to a U.S. industry producing an article that is like, or directly competitive with, the imported article. Consistent with Section 323(a) of the Act, the maximum period of import tariff relief, as set forth in Section 3 of this notice, shall be two years. However, consistent with Section 323(b) of the Act, the Committee may extend the period of import relief for a period of not more than 1 year if the Committee determines that the continuation is necessary to remedy or prevent serious damage or actual threat thereof and to facilitate adjustment by the domestic industry to import competition, and that the domestic industry is, in fact, making a positive adjustment to import competition. Import tariff relief may not be applied to the same article at the same time under these procedures if relief previously has been granted with respect to that article under: (1) These provisions; (2) Subtitle A to Title III of the Act; or (3) Chapter 1 of Title II of the Trade Act of 1974.

Authority to provide import tariff relief with respect to a Peruvian textile or apparel article will expire five years after the date on which the Agreement enters into force.

Under Article 3.1.7 of the Agreement, if the United States provides relief to a domestic industry under the textile and apparel safeguard, it must provide Peru "mutually agreed trade liberalizing compensation in the form of concessions having substantially equivalent trade effects or equivalent to the value of the additional duties expected to result from the textile safeguard measure." Such concessions shall be limited to textile and apparel products, unless the United States and Peru agree otherwise. If the United States and Peru are unable to agree on trade liberalizing compensation, Peru may increase customs duties equivalently on U.S. products. The obligation to provide compensation terminates upon termination of the safeguard relief. Section 327 of the Act extends the President's authority to provide compensation under section 123 of the Trade Act of 1974 (19 U.S.C. 2133), as amended, to measures taken pursuant to the Agreement's textile and apparel safeguard provisions.

In order to facilitate the implementation of Title III, Subtitle B, section 321 through section 328 of the Peru Trade Promotion Agreement Implementation Act, the Committee has determined that actions taken under this safeguard fall within the foreign affairs exception to the rulemaking provision of 5 U.S.C. 553(a)(1), and this notice does not waive that determination. These procedures are not subject to the requirement to provide prior notice and opportunity for public comment, pursuant to 5 U.S.C. 553(a)(1) and 553(b)(A).

1. Requirements for Requests. Pursuant to Section 321(a) of the Act and Paragraph 8 of Presidential Proclamation 8341 of January 16, 2009, an interested party may file a request for a textile and apparel safeguard action with the Committee. The Committee will review requests from an interested party sent to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Ten copies of any such request must be provided. As provided in Section 328 of the Act, the Committee will protect from disclosure any business confidential information that is marked "business confidential" to the full extent permitted by law. To the extent that business confidential information is provided, two copies of a non-confidential version must also be provided, in which business confidential information is summarized or, if necessary, deleted. At the conclusion of the request, an interested party must attest that "all information contained in the request is complete and accurate and no false claims, statements, or representations have been made." Consistently with Section 321(a), the Committee will review a request initially to determine whether to commence consideration of the request on its merits. Within 15 working days of receipt of a request, the Committee will determine whether the request provides the information necessary for the Committee to consider the request in light of the considerations set forth below. If the request does not, the Committee will promptly notify the requester of the reasons for this determination and the request will not be considered. However, the Committee will reevaluate any request that is resubmitted with additional information.

Consistent with longstanding Committee practice in considering textile safeguard actions, the Committee will consider an interested party to be an entity (which may be a trade association, firm, certified or recognized union, or group of workers) that is representative of either: (A) A domestic producer or producers of an article that is like or directly competitive with the subject Agreement country textile or apparel article; or (B) a domestic producer or producers of a component used in the production of an article that is like or directly competitive with the subject Peruvian textile or apparel article.

A request will only be considered if the request includes the specific information set forth below in support of a claim that a textile or apparel article from Peru is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a U.S. industry producing an article that is like, or directly competitive with, the imported article.

A. Product description. Name and description of the imported article concerned, including the category or categories or part thereof of the U.S. Textile and Apparel Category System (see "Textile Correlation" at *http://otexa.ita.doc.gov/corr.htm*) *http://otexa.ita.doc.gov/corr.html)* under which such article is classified, the Harmonized Tariff Schedule of the United States subheading(s) under which such article is classified, and the name and description of the like or directly competitive domestic article concerned.

B. Import data. The following data, in quantity by category unit (see "Textile Correlation"), on total imports of the subject article into the United States and imports from Peru into the United States:

* Annual data for the most recent three full calendar years for which such data are available;

* Quarterly data for the most recent year for which such data are partially available, and quarterly data for the same quarter(s) of the previous year (*e.g.,* January–March 2005, April–June 2005 and January–March 2004, April–June 2004).

The data should demonstrate that imports of a Peruvian origin textile or apparel article that is like or directly competitive with the article produced by the domestic industry concerned are

increasing in absolute terms or relative to the domestic market for that article.

C. Production data. The following data, in quantity by category unit (see "Textile Correlation"), on U.S. domestic production of the like or directly competitive article of U.S. origin indicating the nature and extent of the serious damage or actual threat thereof:

* Annual data for the most recent three full calendar years for which such data are available;

* Quarterly data for the most recent year for which such data are partially available, and quarterly data for the same quarter(s) of the previous year (*e.g.* January–March 2005, April–June 2005 and January–March 2004, April–June 2004).

If the like or directly competitive article(s) of U.S. origin does not correspond to a category or categories of the U.S. Textile and Apparel Category system for which production data are available from official statistics of the U.S. Department of Commerce (see "U.S. Imports, Production, Markets, Import Production Ratios and Domestic Market Shares for Textile and Apparel Products Categories, at Web site *http://otexa.ita.doc.gov/ipbook.pdf*), the requester must provide a complete listing of all sources from which the data were obtained and an affirmation that to the best of the requester's knowledge, the data represent substantially all of the domestic production of the like or directly competitive article(s) of U.S. origin. In such cases, data should be reported in the first unit of quantity in the Harmonized Tariff Schedule of the United States (*http://www.usitc.gov/tata/hts*) for the Peruvian textile and/or apparel articles and the like or directly competitive articles of U.S. origin.

D. Market Share Data. The following data, in quantity by category unit (see "Textile Correlation"), on imports from Peru as a percentage of the domestic market (defined as the sum of domestic production of the like or directly competitive article and total imports of the subject article); on total imports as a percentage of the domestic market; and on domestic production of like or directly competitive articles as a percentage of the domestic market:

* Annual data for the most recent three full calendar years for which such data are available;

* Quarterly data for the most recent year for which such data are partially available, and quarterly data for the same quarter(s) of the previous year (*e.g.,* January–March 2005, April–June 2005 and January–March 2004, April–June 2004).

E. Additional data showing serious damage or actual threat thereof. All data available to the requester showing changes in productivity, utilization of capacity, inventories, exports, wages, employment, domestic prices, profits, and investment, and any other information, relating to the existence of serious damage, or actual threat thereof, caused by imports from Peru to the industry producing the like or directly competitive article that is the subject of the request. To the extent that such information is not available, the requester should provide best estimates and the basis therefore:

* Annual data for the most recent three full calendar years for which such data are available;

* Quarterly data for the most recent year for which such data are partially available, and quarterly data for the same quarter(s) of the previous year (*e.g.,* January–March 2005, April–June 2005 and January–March 2004, April–June 2004).

2. Consideration of Requests. Consistent with Section 321(b) of the Act, if the Committee determines that the request provides the information necessary for it to be considered, the Committee will cause to be published in the **Federal Register** a notice seeking public comments regarding the request, which will include a summary of the request and the date by which comments must be received. The **Federal Register** notice and the request, with the exception of information marked "business confidential," will be posted by the Department of Commerce's Office of Textiles and Apparel ("OTEXA") on the Internet (*http://otexa.ita.doc.gov*). The comment period shall be 30 calendar days. To the extent business confidential information is provided, a non-confidential version must also be provided, in which business confidential information is summarized or, if necessary, deleted. At the conclusion of its submission of such public comments, an interested party must attest that "all information contained in the comments is complete and accurate and no false claims, statements, or representations have been made." Comments received, with the exception of information marked "business confidential," will be available in the Department of Commerce's Trade Information Center for review by the public. If a comment alleges that there is no serious damage or actual threat thereof, or that the subject imports are not the cause of the serious damage or actual threat thereof, the Committee will closely review any supporting information and documentation, such as information about domestic production or prices of like or directly competitive articles. In the case of requests submitted by entities that are not the actual producers of a like or directly competitive article, particular consideration will be given to comments representing the views of actual producers in the United States of a like or directly competitive article.

Any interested party may submit information to rebut, clarify, or correct public comments submitted by any other interested party at any time prior to the deadline provided in this section for submission of such public comments. If public comments are submitted less than 10 days before, or on, the applicable deadline for submission of such public comments, an interested party may submit information to rebut, clarify, or correct the public comments no later than 10 days after the applicable deadline for submission of public comments.

With respect to any request considered by the Committee, the Committee will make a determination within 60 calendar days of the close of the comment period. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published in a notice in the **Federal Register**, including the date by which it will make a determination. If the Committee makes a negative determination, it will cause this determination and the reasons therefore to be published in the **Federal Register**.

3. Determination and Provision of Relief. The Committee shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, Peru's textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article. In making this determination, the Committee: (1) Shall examine the effect of increased imports on the domestic industry as reflected in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and (2) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof. The Committee, without delay, will provide written notice of its decision to the

Government of Peru and will consult with said party upon its request.

If a determination under this section is affirmative, the Committee may provide import tariff relief to a U.S. industry to the extent necessary to remedy or prevent the serious damage or actual threat thereof and to facilitate adjustment by the domestic industry to import competition. Such relief may consist of an increase in duties to the lower of: (1) The NTR/MFN duty rate in place for the textile or apparel article at the time the relief is granted; or (2) the NTR/MFN duty rate for that article on the day before the Agreement enters into force.

The import tariff relief is effective beginning on the date that the Committee's affirmative determination is published in the **Federal Register**. The maximum period of import tariff relief shall be three years. However, if the initial period for import relief is less than three years, the Committee may extend the period of import relief to the maximum three-year period if the Committee determines that the continuation is necessary to remedy or prevent serious damage or actual threat thereof by the domestic industry to import competition, and that the domestic industry is, in fact, making a positive adjustment to import competition. Import tariff relief may not be imposed for an aggregate period greater than three years. Import tariff relief may not be applied to the same article at the same time under these procedures if relief previously has been granted with respect to that article under: (1) These provisions; (2) Subtitle A to Title III of the Act; or (3) Chapter 1 of Title II of the Trade Act of 1974.

Authority to provide import tariff relief for a textile or apparel article from Peru that is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof to a U.S. industry producing a like or directly competitive article, will expire five years after the date on which the Agreement enters into force.

4. Self Initiation. The Committee may, on its own initiative, consider whether imports of a textile or apparel article from Peru are being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage or actual threat thereof to a U.S. industry producing a like or directly competitive article. In such considerations, the Committee will follow procedures consistent with those set forth in Section 2 of this notice, including causing to be published in the **Federal Register** a notice seeking public comment regarding the action it is considering.

5. Record Keeping and Business Confidential Information. OTEXA will maintain an official record for each request on behalf of the Committee. The official record will include all factual information, written argument, or other material developed by, presented to, or obtained by OTEXA regarding the request, as well as other material provided to the Department of Commerce by other government agencies for inclusion in the official record. The official record will include Committee memoranda pertaining to the request, memoranda of Committee meetings, meetings between OTEXA staff and the public, determinations, and notices published in the **Federal Register.** The official record will contain material which is public, business confidential, privileged, and classified, but will not include pre-decisional inter-agency or intra-agency communications. If the Committee decides it is appropriate to consider materials submitted in an untimely manner, such materials will be maintained in the official record. Otherwise, such material will be returned to the submitter and will not be maintained as part of the official record. OTEXA will make the official record public except for business confidential information, privileged information, classified information, and other information the disclosure of which is prohibited by U.S. law. The public record will be available to the public for inspection and copying in a public reading room located in the Department of Commerce, Trade Information Center.

Information designated by the submitter as business confidential will normally be considered to be business confidential unless it is publicly available. The Committee will protect from disclosure any business confidential information that is marked "business confidential" to the full extent permitted by law. To the extent that business confidential information is provided, two copies of a non-confidential version must also be provided, in which business confidential information is summarized or, if necessary, deleted. The Committee will make available to the public non-confidential versions of the request that is being considered, non-confidential versions of any public comments received with respect to a request, and, in the event consultations are requested, the statement of the reasons and justifications for the determination subsequent to the delivery of the statement to Peru.

Kim Glas,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2011–3747 Filed 2–17–11; 8:45 am]

BILLING CODE P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning the proposed renewal and revision of its AmeriCorps VISTA Concept Paper and Application and Budget Instructions (OMB Control Number 3054–0038), which will expire on May 11, 2011 and the Project Progress Report (PPR) and VISTA Progress Report Supplement (VPRS) (OMB Control Number 3045–0043), which will expire on September 30, 2011.

This renewal with minor changes reflects the Corporation's intent to modify selected sections of the collection instrument to reduce burden on respondents and to reflect changes in data considered core reporting information to meet a variety of needs, including adding new data elements as needed to ensure the information collection captures appropriate data for the Corporation's required performance measurement and other reporting.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section by April 19, 2011.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Attn. Kelly Daly, Program Development Specialist, 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 6010 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday except Federal holidays.

(3) By fax to: (202) 606–3475, Attention Kelly Daly, Program Development Specialist.

(4) Electronically through the Corporation's e-mail address system: *vista@americorps.gov* or *http://www.regulations.gov.*

(5) Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 606–3472 between 8:30 a.m. and 5 p.m. Eastern Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kelly Daly (202–606–6849) or by e-mail at *vista@americorps.gov.*

SUPPLEMENTARY INFORMATION:

The Corporation is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and,
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submissions of responses).

Background

The AmeriCorps*VISTA Concept Paper and Application Instructions are used by the Corporation in the selection of VISTA sponsors and in the approval of both new and renewing VISTA projects. The information collection consists of a brief Concept Paper, and, if the Concept Paper is approved, a full application including budget.

The Progress Report (PPR) and VISTA Progress Report Supplement (VPRS) is designed to assure that AmeriCorps*VISTA sponsors address and fulfill legislated program purposes, meet agency program management and grant requirements, and assess progress toward project plan goals agreed upon in the signing of the Memorandum of Agreement.

Current Action

The Corporation seeks to renew the Concept Paper and Application Instructions to: (a) Reduce respondent burden; (b) enhance data elements collected via this information collection tool; (c) comply with provisions in the Serve America Act regarding Focus Areas.

The Corporation seeks to renew the current PPR and VPRS used by AmeriCorps*VISTA sponsors and grantees to report progress toward accomplishing work plan goals and objectives, reporting actual outcomes related to self-nominated performance measures meeting challenges encountered, describing significant activities, and requesting technical assistance.

The Corporation is proposing to merge two current information collection requests into one information collection request consisting of four instruments.

The information collection will otherwise be used in the same manner as the currently approved information collection requests. The Corporation also seeks to continue using the current information collections until the renewal is approved by OMB. The current information collection requests are due to expire on May 11, 2011 and September 30, 2011.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: AmeriCorps VISTA Concept Paper, Application Instructions, Progress Report and Progress Report Supplement.

Current ICR: VISTA Concept Paper and Application Instructions.

OMB Number: 3045–0038.

Agency Number: None.

Affected Public: Potential sponsors, current sponsoring organizations, current subsite organizations, and VISTAs.

Instrument: Concept Paper.

Total Respondents: 3,200 Frequency: One time.

Average Time per Response: 2 hours

Estimated Total Burden Hours: 6,400 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Instrument: Application Instructions.

Total Respondents: 1,000 for the full application.

Frequency: Annually

Average Time per Response: 15 hours for application.

Estimated Total Burden Hours: 15,000 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Current ICR: VISTA Project Progress Report and Project Report Supplement.

OMB Number: 3045–0043.

Agency Number: None.

Instrument: VISTA Project Progress Report.

Total Respondents: 1100.

Frequency: Quarterly.

Average Time Per Response: 7 hours.

Estimated Total Burden Hours: 30,800 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Instrument: VISTA Progress Report Supplement.

Total Respondents: 1100.

Frequency: Annual.

Average Time Per Response: 9 hours.

Estimated Total Burden Hours: 9900 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 14, 2011.

Paul Davis,

*Acting Director, AmeriCorps*VISTA.*

[FR Doc. 2011–3729 Filed 2–17–11; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare a Draft Areawide Environmental Impact Statement for Phosphate Mining Affecting Waters of the United States in the Central Florida Phosphate District (CFPD)

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent (NOI).

SUMMARY: The U.S. Army Corps of Engineers (Corps), Jacksonville District,

has received permit applications for Department of the Army permits under Section 404 of the Clean Water Act (CWA) from phosphate mining companies in Central and Southwest Florida to discharge fill in Waters of the United States for the purpose of phosphate ore extraction (*i.e.,* creation of new phosphate mines, expansions of existing mines, and construction of attendant facilities) within the CFPD. The three specific projects being considered, and their Department of the Army file numbers, are CF Industries' South Pasture Extension (SAJ–1993–01395), Mosaic Fertilizer LLC's Four Corners Surface Tract (1995–00794), and Mosaic Fertilizer LLC's Ona Mine (SAJ–1998–02067). The Corps has determined that, when viewed collectively, the separate proposed phosphate mining-related projects have similarities that provide a basis for evaluating their environmental consequences together in one comprehensive environmental impact statement. As part of the permit review process, the Corps is evaluating the environmental effects of these similar actions.

The primary Federal involvement associated with the Proposed Action is the discharge of dredged or fill material into Waters of the United States, including jurisdictional wetlands. Issuance of Federal authorizations for the Proposed Activities would constitute a "Major Federal Action." Based on the continued applications for expanded mining in the CFPD, the size of the project area, the CFPD characteristics, and the potential environmental impacts, both individually and cumulatively, of the Proposed Action, the Corps will prepare an Areawide Environmental Impact Statement (AEIS) in compliance with the National Environmental Policy Act (NEPA) to render a final decision on the permit applications.

The Corps' decision will be to either issue, issue with modifications, or deny Department of the Army permits for the Proposed Action. The Draft AEIS (DAEIS) is intended to be sufficient in scope to address Federal, State, and local requirements and environmental issues concerning the Proposed Action and permit reviews. The U.S. Environmental Protection Agency (U.S. EPA) has agreed to be a cooperating agency on the study.

DATES: The Corps plans to hold public scoping meetings on March 23 and 25, 2011 at 6:30 p.m. Eastern Standard Time (EST).

ADDRESSES: The first meeting will be held March 23, 2011 at 6:30 p.m. EST at the The Lakeland Center, 701 West Lime Street, Lakeland, FL 33815, 863–834–8100. The second meeting will be held March 25, 2011 at 6:30 p.m. EST at the Charlotte Harbor Event Center, 75, Taylor Street, Punta Gorda, FL, 33950, 941–833–5444.

FOR FURTHER INFORMATION CONTACT: Questions about the Proposed Action and Draft AEIS should be directed to Mr. John Fellows, Corps Regulatory Project Manager, by telephone at (813) 769–7067 or by e-mail at *John.P.Fellows@usace.army.mil.* Written comments should be addressed to the U.S. Army Corps of Engineers, Attn: Mr. John Fellows, 10117 Princess Palm Avenue, Suite 120, Tampa, FL 33610–8302 or by facsimile at (813) 769–7061.

SUPPLEMENTARY INFORMATION:

a. *Project Background and Authorization.* The Corps will study the environmental impacts of the Proposed Action within the CFPD. The CFPD consists of an area of approximately 1.32 million acres (or +/−2,100 sq mi) in Hardee, Hillsborough, Manatee, Polk, and DeSoto counties (an area of approximately 1,000 acres within Sarasota County is also included in the CFPD). Mining in the CFPD has occurred for over 100 years.

The Corps has issued CWA Section 404 permits for phosphate mining in the region since 1977, with some existing permits authorizing mining through 2028. The Corps has determined as recently as June 2010 that the cumulative effects, past, present and reasonably foreseeable, of phosphate mining from 1977 to 2028 in the Peace River watershed, part of which lies within the CFPD Region, had not reached the significance threshold. Based on the continued applications for expanded mining in the CFPD and the need for additional information on the cumulative effects of past, present, and reasonably foreseeable actions throughout the CFPD, the AEIS will consider the potential for significant cumulative effects of the proposed phosphate mines and mine expansions in the CFPD.

b. *Purpose and Need.* The basic purpose of the proposed action is to mine phosphate ore. The overall purpose is to mine phosphate ore from reserves located within the CFPD. The Corps recognizes that there is a public and private need for phosphate.

c. *Prior EAs, EISs.* The U.S. EPA issued a final Areawide EIS on the Central Florida Phosphate Industry in November 1978.

d. *Alternatives.* An evaluation of alternatives to the Applicants' preferred alternative initially being considered includes a No Action alternative, alternatives that would avoid, minimize, and mitigate impacts to the aquatic resources within the CFPD, alternative practices or analysis methods for minimizing or evaluating cumulative effects of mining, and other reasonable alternatives that will be developed through the project scoping process which may also meet the identified purpose and need.

e. *Issues.* The following issues have been identified for analysis in the DAEIS. This list is preliminary and is intended to facilitate public comment on the scope of the DAEIS. The DAEIS will consider the effects on Federally listed threatened and endangered species, health and safety, socioeconomics, aesthetics, general environmental concerns, wetlands and other aquatic resources, historic properties, cultural resources, fish and wildlife values, land use, transportation, recreation, water supply and conservation, water quality, energy needs, mineral needs, considerations of property ownership, in general, the needs and welfare of the people, and other issues identified through scoping, public involvement, and interagency coordination. At the present time, the primary areas of environmental concern are the loss of wetland functions and value, mitigation of such losses, the effect of proposed mining on groundwater and surface water quality, and potential cumulative effects. The issues of concern and the methods used to evaluate those issues will be defined through the scoping process.

f. *Scoping Process.* CEQ regulations (40 CFR 1501.7) require an early and open process for determining the scope of an EIS and for identifying significant issues related to the proposed action. The Corps is furnishing this notice to advise other Federal and State agencies, affected Federally recognized Tribes, and the public of our intentions. This notice announces the initiation of a 45-day scoping period which requests the public's involvement in the scoping and evaluation process of the DEIS. Stakeholders will be notified through advertisements, public notices and other means. All parties who express interest will be given an opportunity to participate in this process. The process allows the Corps to obtain suggestions and information on the scope of issues and an opportunity to provide reasonable alternatives to be included in the Draft AEIS. (*See* **DATES** and **ADDRESSES** for meeting schedules)

g. *Public Involvement.* The Corps invites Federal agencies, American Indian Tribal Nations, State and local governments, and other interested

private organizations and parties to attend the public scoping meetings and provide comments in order to ensure that all significant issues are identified and the full range of issues related to the permit request are addressed.

h. *Coordination.* The proposed action is being coordinated with a number of Federal, State, regional, and local agencies including but not limited to the following: U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, U.S. Environmental Protection Agency, U.S. Department of Agriculture, Florida Department of Environmental Protection, Southwest Florida Water Management District, Florida State Historic Preservation Officer, local counties, and other agencies as identified in scoping, public involvement, and agency coordination.

i. *Agency Role.* The Corps will be the lead agency for the AEIS. The U.S. EPA has agreed to be a cooperating agency. The Corps expects to receive input and critical information from the U.S. Fish and Wildlife Service, United States Geological Service, and other Federal, State, and local agencies.

j. *Availability of the Draft AEIS.* The Corps currently expects the DAEIS to be made available to the public by October 2011. A public meeting will be held during the public comment period for the DAEIS. Written comments will be accepted at the meeting.

Dated: February 9, 2011.

Donald W. Kinard,

Chief, Regulatory Division.

[FR Doc. 2011–3738 Filed 2–17–11; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Department of Education (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public and helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 19, 2011.

ADDRESSES: 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. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Regulatory Information 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.

Dated: February 15, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Vocational and Adult Education

Type of Review: Extension.

Title of Collection: Consolidated Annual Report (CAR) for the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV).

OMB Control Number: 1830–0569.

Agency Form Number(s): N/A.

Frequency of Responses: Annually.

Affected Public: State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 55.

Total Estimated Number of Annual Burden Hours: 8,800.

Abstract: The purpose of this information collection package—the Consolidated Annual Report—is to gather narrative, financial and performance data as required by the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV). Perkins IV requires the Secretary to provide the appropriate committees of Congress copies of annual reports received by the Department from each eligible agency that receives funds under the Act. The Office of Vocational Adult Education (OVAE) will determine each State's compliance with basic provisions of Perkins IV and the Education Department General Administrative Regulations [Annual Performance Report] and Part 80.41 [Financial Status Report]). OVAE will review performance data to determine whether, and to what extent, each State has met its State adjusted levels of performance for the core indicators described in section 113(b)(4) of Perkins IV.

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 4469. 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.

[FR Doc. 2011–3780 Filed 2–17–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Safe Schools/Healthy Students Program; Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.184J and 84.184L

AGENCY: Office of Safe and Drug-Free Schools, Department of Education.

ACTION: Notice of proposed priorities, requirements, and definitions.

SUMMARY: The Assistant Deputy Secretary for Safe and Drug-Free Schools proposes priorities,

requirements, and definitions under the Safe Schools/Healthy Students (SS/HS) program. The Assistant Deputy Secretary may use one or more of these priorities, requirements, and definitions for competitions in fiscal year (FY) 2011 and later years. We take this action to focus Federal financial assistance on supporting school and community partnerships in their efforts to develop and coordinate integrated systems that create safe, drug-free, and respectful environments for learning and to promote the behavioral health [1] of children and youth.

DATES: We must receive your comments on or before March 21, 2011.

ADDRESSES: Address all comments about this notice to Karen Dorsey, U.S. Department of Education, 400 Maryland Avenue, SW., room 10061, Potomac Center Plaza (PCP), Washington, DC 20202–6450.

If you prefer to send your comments by e-mail, use the following address: *Karen.dorsey@ed.gov.* You must include the term Safe Schools/Healthy Students Comments in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Karen Dorsey. Telephone: (202) 245–7858 or by e-mail: *Karen.dorsey@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priorities, requirements, and definitions, we urge you to identify clearly the specific proposed priority, requirement, and definition that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed priorities, requirements, and definitions. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 10061, 550 12th Street, SW., Washington, DC between the hours of 8:30 a.m. and 4:00 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 this notice. 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**.

Purpose of Program: To support school and community partnerships in their efforts to develop, coordinate, and implement a comprehensive plan of evidence-based programs, effective policies, and innovative strategies that create safe, drug-free, and respectful environments for learning and promote the behavioral health of children and youth.

Program Authority: Section 4121 of the Elementary and Secondary Education Act, as amended (ESEA) (20 U.S.C. 7131); Public Health Service Act (42 U.S.C. 290aa); and the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5614(b)(4)(e) and 5781 *et seq.*)

Program Background: We published a notice of final priorities, requirements, selection criteria, and definitions for this program (2007 NFP) in the **Federal Register** on May 10, 2007 (72 FR 26692). The 2007 NFP contained background information and our reasons for the particular priorities, requirements, selection criteria, and definitions established in that notice; the priorities, requirements, selection criteria, and definitions announced in the 2007 NFP were used for the FY 2007, FY 2008, and FY 2009 SS/HS competitions.

In this notice of proposed priorities, requirements, and definitions (NPP), we propose priorities, requirements, and definitions that would replace the priorities, requirements, and definitions that we established in the 2007 NFP. While some of the priorities, requirements, and definitions included in this NPP are completely new, others are based—at least in part—on the priorities, requirements, and definitions reflected in the 2007 NFP. With the priorities, requirements, and definitions proposed in this notice, the program-specific selection criteria established in the 2007 NFP are no longer needed. For this reason, we do not propose program-specific selection criteria in this NPP.

Proposed Priorities

This notice contains three proposed priorities.

Background

Since 1999 the U.S. Departments of Education, Health and Human Services, and Justice have collaborated on the Safe Schools/Healthy Students (SS/HS) grant program to support school and community partnerships in implementing an integrated, comprehensive community-wide plan designed to create safe, respectful, and drug-free school environments and to promote "prosocial" skills and healthy childhood development. Since its inception, the intent of the SS/HS program has been that SS/HS grantees would draw from the best practices and research in education, behavioral health, law enforcement, and juvenile justice in developing a comprehensive plan of activities, curricula, programs, and services to address issues that adversely affect the learning environment and healthy childhood development.

In the 1999 grant application for this program, we articulated the following three important program goals for SS/HS:

(1) Helping students develop the skills and emotional resilience necessary to promote positive mental health, engage in prosocial behavior, and prevent violent behavior and drug use.

(2) Ensuring that all students who attend the targeted schools are able to learn in safe, disciplined, and drug-free environments.

(3) Helping develop an infrastructure that will institutionalize and sustain integrated services after Federal funding has ended.

Over the years, we have revised and added to the absolute priority, program requirements, program-specific selection criteria, and the definitions that we established for the SS/HS program in 1999. Specifically, the absolute priority was refined in 2004 and 2007; program-specific selection criteria were revised in 2001, 2004, and 2007; and other minor revisions were made to clarify requirements and to enhance the SS/HS comprehensive plan development in 2004 and 2007. These revisions enhanced the implementation of the program while maintaining the intent, as described in 1999, of funding school and community partnerships to implement an integrated, comprehensive community-wide plan designed to create safe, respectful, and drug-free school environments and to promote prosocial skills and healthy childhood development.

In large part the success of SS/HS grantees assessed since 2005 demonstrates that the first two of the

[1] The term "behavioral health" is used in this document as a general term to encompass the promotion of emotional and mental health and the prevention of mental illness and substance abuse disorders.

three program goals, stated in 1999 application, are being met. A recently completed 5-year evaluation of SS/HS found that the projects resulted in—

- Fewer students witnessing violence;
- Fewer students involved in violent incidents;
- More teachers and students feeling safer at school and in the community;
- More than 80 percent of school staff reporting reductions in alcohol and other drug use among their students; and
- Increased access for students to mental health services.

We do not have similar data to support that the third program goal identified in 1999, developing an infrastructure that will institutionalize and sustain integrated services after Federal funding has ended, is achieving similar success.

In an effort to improve the success of SS/HS grantees and increase the likelihood that positive outcomes are sustained after the grant period, we reviewed quantitative and qualitative data from applicants, current grantees, and prior grantees and discussed with our Federal partners how the SS/HS grant program could be changed to increase and sustain positive outcomes among grantees. Feedback from current and former grantees and reviews of SS/HS qualitative and quantitative evaluation data revealed: (1) Shortcomings in the SS/HS program design as it relates to sustaining successful outcomes; (2) certain common characteristics shared by those grantees with successful long-term outcomes; and (3) the need for applicants to have more time to complete the SS/HS grant application.

On the first point regarding shortcomings in the SS/HS program design, many grantees stated that the absolute priority on comprehensive plans used in the 2007 competition (the 2007 Comprehensive Plan Priority) did not encourage using SS/HS Federal grant funds to support, facilitate, and create "systems change" in child- and family-serving agencies in the community or leveraging existing resources in such agencies. Instead, in meeting the 2007 Comprehensive Plan Priority, many grantees focused only on the set of activities, curricula, programs, and services they described in their comprehensive plan. By doing so, they did not experience any of the benefits that systems change can bring to the community or appreciate the importance of developing an infrastructure that will institutionalize and sustain integrated services after Federal funding has ended.

To meet the 2007 Comprehensive Plan Priority, applicants under this program have been required to submit plans that focus activities, curricula, programs, and services in a manner that responds to the community's existing needs, gaps, or weaknesses in areas related to the five comprehensive plan elements:

- *Element One:* Safe school environments and violence prevention activities.
- *Element Two:* Alcohol, tobacco, and other drug prevention activities.
- *Element Three:* Student behavioral, social, and emotional supports.
- *Element Four:* Mental health services.
- *Element Five:* Early childhood social and emotional learning programs.

While all applications to date have included a detailed comprehensive plan related to these SS/HS elements, only some of the SS/HS grantees have been able to sustain their respective school-community partnerships after the project ended. These sustained school-community partnerships resulted in the following successful qualitative long-term outcomes:

- Greater community support and awareness of issues that affect the healthy development of children.
- Data-driven decision-making.
- Changes in school, community-based organization, and local government policies, procedures, and practices to better serve children and their families.
- Unprecedented local collaboration that enables and encourages lasting changes.
- Sustaining activities, curricula, services, and programs after the grant project ends.

On the second point, grantee data and discussions with prior grantees have revealed common characteristics among those grantees that have demonstrated the successful long-term outcomes outlined in the previous paragraph. One common characteristic being that when grantees and their partner agencies incorporated a range of strategies—including capacity building, collaboration and partnership, policy change and development, systems change and integration, and the use of technology—in their SS/HS comprehensive plan they had successful long-term outcomes. While the activities, curricula, programs, and services that grantees carry out as part of their SS/HS projects were key, successful long-term outcomes were not as likely to result when they occurred in isolation from other strategies.

Other common characteristics of grantees with successful long-term outcomes were: They used existing community partnerships to support the development of the SS/HS application; community assessment data was used by the partnership to complete the application; and the community partnership facilitated the implementation of the project. A soon to be released national cross-site evaluation report on the 2005 and 2006 SS/HS grantees states that the value of the partnerships developed or enhanced through the SS/HS grant should not be understated and that grantees with higher functioning partnerships were associated with greater improvements reported by school staff.

Finally, we heard from many applicants that completing the application was very labor intensive and greatly exceeded the 26 hours that we estimated it would take to complete the application. Applicants stated that without a preexisting community partnership, there was not sufficient time between the date of publication in the **Federal Register** of the notice inviting applications for new awards and the deadline for transmittal of applications to solicit partners, negotiate a memorandum of agreement, search existing data sources, gather needed data, and complete the application.

For these reasons, we are proposing three priorities in this notice. The first priority responds to the findings regarding the need to: (a) Focus on the importance of developing an infrastructure that will be institutionalized and that will sustain integrated services after Federal funding has ended, and (b) build on what we know about projects that have had successful long-term outcomes. Specifically, in Proposed Priority 1, we propose to require applicants to include, in their SS/HS comprehensive plan, the use of a range of strategies—such as capacity building, collaboration and partnership, policy change and development, systems change and integration, and the use of technology—along with a description of the specific activities, curricula, programs, and services that will be implemented. To acknowledge and support the value of a proactive partnership among key child, family, and community agencies in the planning process, we also propose within Proposed Priority 1 a focus on the collaborative community process.

To address burden and time issues required to complete an application, the Department will use a two-tiered application process that includes a pre-application phase and a full application phase. The Department will invite all eligible applicants to submit a pre-

application, which will require less cost, effort, and time to respond to than submitting a full application. The Department then will invite only those applicants with the highest-scoring pre-applications to submit a full application. To align with the two-tier application process we are proposing two priorities: One for the pre-application phase and one for the full application phase. Only those applicants invited to submit a full application would be required to meet the full application priority (Proposed Priority 2).

In Proposed Priorities 1 and 2, we include a description of the five SS/HS program elements. The substance of these elements remains largely unchanged from how we have described these elements in the past. To align with the age continuum we have re-ordered the elements to begin with early childhood-related activities. We have revised the titles of the elements to be positive and action-oriented. Also, we have heard from grantees that behavioral, social, and emotional supports are frequently addressed by curricula, programs and services related to early childhood social and emotional learning and development; drug, alcohol, and violence prevention; and mental health elements. Thus, we propose to eliminate the element titled "Student Behavioral, Social, and Emotional Supports" and include behavioral and emotional supports in the mental health element. Finally we have added the element "Connecting families, schools, and communities." This element was included in the 2005 absolute priority and was then eliminated in the 2007 absolute priority. We believe there is a need to renew focus on the collective and individual benefits that can result by engaging families, schools, and communities in responding to issues related to alcohol and drug use, antisocial behavior, and violence.

Finally, as noted earlier in this notice, the proposals reflected in this notice incorporate some of the priorities and requirements established in the 2007 NFP. Proposed Priority 3 is one such priority. This priority, which focuses on applications from LEAs that have not received a grant or services under the SS/HS program, comes directly from the 2007 NFP. It was established in conjunction with the broadening of eligibility to LEAs who had previously received an SS/HS award. We established this priority in the 2007 NFP because we recognized that previous SS/HS grantees may have had experiences with the SS/HS program that give them a competitive advantage. We continue to believe that it is appropriate for the Department to give priority to applications from LEAs that have not yet received a SS/HS grant; this proposed priority would level the playing field for novice applicants. For this reason, we include this priority in this NPP.

Proposed Priority 1: Pre-Application—Partnership Capacity and Community Collaboration

Under this proposed priority, an eligible applicant would be required to demonstrate its community's capacity to use a collaborative process to conduct a community needs assessment and use the data collected to design an SS/HS comprehensive plan (as defined in this notice) related to the following five comprehensive plan elements:

Element One: Promoting early childhood social and emotional learning and development.

Element Two: Promoting mental, emotional, and behavioral health.

Element Three: Connecting families, schools, and communities.

Element Four: Preventing and reducing alcohol, tobacco, and other drug use.

Element Five: Creating safe and violence-free schools.

To demonstrate capacity, an applicant would be required to describe in its pre-application (1) how required SS/HS partners will engage community members, community organizations, and students and their families to collaborate and participate in a community assessment; and (2) how each partner would support an SS/HS planning and design process to gather qualitative and quantitative descriptive information about their efforts to develop and coordinate integrated systems that create safe, drug-free, and respectful environments for learning and promote the behavioral health of children and youth.

Proposed Priority 2: Full Application—SS/HS Comprehensive Plan

Under this proposed priority, each eligible applicant selected by the Secretary to submit a full application under this program would be required to assess its community's existing needs and gaps and submit, as part of its full application, a comprehensive plan (as defined in this notice) for creating safe, drug-free, and respectful environments for learning and promoting the behavioral health of children and youth. The comprehensive plan, must address the following five elements:

Element One: Promoting early childhood social and emotional learning and development.

Element Two: Promoting mental, emotional, and behavioral health.

Element Three: Connecting families, schools, and communities.

Element Four: Preventing and reducing alcohol, tobacco, and other drug use.

Element Five: Creating safe and violence-free schools.

Proposed Priority 3: Pre-Application and Full Application—LEAs That Have Not Previously Received a Grant or Services Under the SS/HS Program

Under this priority, we propose to give priority to applications from LEAs that have not yet received a grant under the SS/HS program as an applicant or as a member of a consortium. In order for a consortium application to be eligible under this priority, no member of the LEA consortium may have received a grant or services under this program as an applicant or as a member of a consortium applicant.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Proposed Requirements

The Assistant Deputy Secretary proposes the following requirements for pre-applications and full applications under this program. We may apply one or more of these requirements in any year in which this program is in effect.

Proposed Requirements—Pre-Application

Proposed Pre-Application Requirement 1—Eligible Applicant

Background: In 1999 local educational agencies (LEAs) were the only eligible applicants. In 2004, an eligibility requirement was established that limited eligibility to LEAs or a consortium of LEAs that had never received SS/HS funds (69 FR 30756). In the 2007 NFP we broadened eligibility to include prior grantees, provided that they did not currently have an active SS/HS project. We also stated that prior grantees could not serve the same schools or sub-regions with a subsequent grant that they served with a previous SS/HS grant. We do not propose to change the eligibility requirements established in FY 2007 for the pre-application. Accordingly, *Proposed Pre-application Requirement 1—Eligible Applicant* would incorporate these requirements.

Proposed Pre-Application Requirement 1—Eligible Applicant

An eligible applicant is (1) an LEA that is not an active SS/HS grantee and is not a member of an active SS/HS consortium grant, or (2) a consortium of LEAs, none of which are active SS/HS grantees. For the purpose of this eligibility requirement, a grant is considered active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

Additionally, former SS/HS grant recipients (*i.e.,* LEAs that previously received funds or services, or consortia of LEAs that include one or more LEAs that previously received funds or services under the SS/HS program) must submit a program-specific assurance stating that, if awarded, the project will not serve those schools or sub-regions served by a previous SS/HS grant. Applications from prior SS/HS grant recipients (or from a consortium that includes one or more LEAs that previously received SS/HS funds or services) that do not include the program-specific assurance will not be considered for funding.

Proposed Pre-Application Requirement 2—Required SS/HS Partners

Background: Since 1999, early childhood social and emotional learning and development has been one of the core elements of the SS/HS program. The Federal partners included early childhood social and emotional development as a component of the SS/HS program because they believed that, based on the large body of research about the development of young children, promoting social and emotional development of children should be part of a broader strategy to improve the quality of early learning programs.

Research shows that children who enter kindergarten without adequate capacity to develop social relationships, to focus their attention on tasks, to effectively communicate their emotions or empathize with peers, or to solve social conflicts or problems are more likely to experience academic difficulties and peer rejection during their elementary school years (Hemmeter, *et al.,* 2006).

SS/HS grantees have long suggested that an early childhood partner at the local community level is a critically important ally in implementing an SS/HS comprehensive plan. For this reason, we are proposing to require applicants to identify, as part of their pre-applications, an early childhood agency (as defined in this notice) along with the other required SS/HS partners—a local juvenile justice agency, a local law enforcement agency, and a local public mental health authority.

Proposed Pre-Application Requirement 2—Required SS/HS Partners

Under this proposed requirement, each applicant must identify, in its pre-application, each of the following as required SS/HS partners: An early childhood agency, a local juvenile justice agency, a local law enforcement agency, and a local public mental health authority (as these terms are defined in this notice).

Proposed Pre-Application Requirement 3—Letters of Commitment

Background: Traditionally SS/HS has required applicants to submit a memorandum of agreement (MOA) signed by the required SS/HS partners. The overall purpose of the MOA has been to demonstrate the support and commitment of the required SS/HS partners. We have learned from successful SS/HS grantees that key to the SS/HS partnership is the internal capacity and level of commitment of each of the required SS/HS partners. We also learned that some applicants have difficulty obtaining signatures from one or more required SS/HS partners on an MOA.

We propose to replace the requirement that an applicant include an MOA in its application with a requirement that an applicant include, as part of its pre-application, letters of commitment. We would require the letters of commitment provide evidence of the SS/HS partners' collective and individual capacity, commitment, leadership, and resources to conduct the community assessment and develop an SS/HS comprehensive plan if the applicant is invited to submit a full application.

Proposed Pre-Application Requirement 3—Submit Letters of Commitment From Required SS/HS Partners

Each applicant must include in its pre-application letters of commitment from each of the required SS/HS partners—an early childhood agency, a local juvenile justice agency, a local law enforcement agency, and a local public mental health authority (as these terms are defined in this notice). The applicant-LEA must also submit a letter of commitment. Each letter of commitment must be signed by the agency or authority's authorized representative (as defined in this notice). For consortium applicants, each member LEA must include a letter of commitment, and the corresponding required SS/HS partners for each member LEA must also include a letter of commitment.

Each letter of commitment must include information that (1) supports the selection of the agency or authority as a required SS/HS partner; (2) outlines the organizational capacity of the agency or authority and its commitment to the SS/HS project; (3) describes the resources available to support the pre-application process; (4) details past experience with collecting and using data for decision-making; (5) documents past experience with building relationships and engaging community members in child- and youth-focused programs; and (6) describes what the partner's role will be in conducting the community assessment and in developing an SS/HS comprehensive plan if the applicant is invited to submit a full application.

Proposed Pre-Application Requirement 4—Community Overview

Background: As previously discussed in this notice, some applicants commented during the last SS/HS grant competition, that the amount of time provided applicants to complete the application period was not sufficient for applicants to conduct a thorough community assessment. The Federal partners agree and propose to require applicants to submit, as part of the pre-application, a community overview (as defined in this notice) rather than a thorough community assessment. The community overview would be based on readily available data and would not require a significant financial or time

investment by an applicant or its partners.

Proposed Pre-Application Requirement 4—Community Overview

Each applicant must include, as part of its pre-application, a community overview (as defined in this notice) on the community to be targeted and served by the proposed SS/HS project. The information in the community overview must be related to the five SS/HS elements, as described in this notice.

Proposed Pre-Application Requirement 5—Description of the Collaborative Community Assessment Process

Background: As previously discussed, a common characteristic among SS/HS projects that have demonstrated successful long-term outcomes is that the projects used a collaborative community assessment and planning process when developing the SS/HS application. By engaging the required SS/HS partners and other community organizations, community members, and students and their families in the assessment process (i.e., the identification of issues and needs, including risk and protective factors of the students, their families, and the community), applicants have been able to achieve greater buy-in and support for the project's implementation and success.

SS/HS applicants have told us that time can be a restricting factor in conducting a comprehensive community assessment. By design, the pre-application process would require that an applicant describe only the process to be used to conduct a community assessment. Only applicants with the highest-scoring pre-applications would be required to conduct the community assessment, and additional time would be provided for those applicants to conduct the assessment.

Proposed Pre-Application Requirement 5—Description of the Collaborative Community Assessment Process

Each applicant must include, as part of its pre-application, a description of how the SS/HS partners will engage community organizations, community members, as well as students and their families, in the (1) community assessment, (2) analysis of the data collected through the assessment, and (3) decision-making process to create a SS/HS comprehensive plan (as defined in this notice) if the applicant is invited to submit a full application.

Proposed Pre-Application Requirement 6—Statement of Accuracy and Veracity

Background: The SS/HS application process involves a wide range of individuals, organizations, local governments, and other community-based agencies. As the lead applicant and the potential grantee, it is important that the authorized representative of the applicant-LEA be knowledgeable and up to date on the details of the SS/HS application.

Proposed Pre-Application Requirement 6—Statement of Accuracy and Veracity

In the pre-application, each applicant must include a program-specific "statement of accuracy and veracity" assurance that has been signed by the LEA's authorized representative. The program-specific assurance must attest that the data, statements, and other information included in the pre-application are true, complete, and accurate and do not contain false, fictitious, or fraudulent statements or claims.

Proposed Requirements—Full Application

Proposed Full Application Requirement 1—Eligibility

Background: The Department proposes to limit eligibility to submit a full application to those applicants that scored highly during the pre-application phase of this competition. With this two-tiered application process, the Department will review a rank-order list of highest-scoring pre-applications and from that list will invite a select number of applicants to submit a full application. By implementing this process, the Department seeks to limit the number of applicants that are required to provide extensive information in their applications to those applicants that receive high scores after providing a lesser amount of information in a pre-application.

Proposed Full Application Requirement 1—Eligibility

In order to be eligible to submit a full application for the SS/HS program, an eligible applicant must receive an invitation from the Department to submit a full application. The Department will make invitations based on the highest-scoring pre-applications.

Proposed Full Application Requirement 2—Required SS/HS Partners

Background: Consistent with the reasons provided in the background section for *Proposed Requirement: Pre-application 2—Required SS/HS Partners,* we are proposing to require applicants to identify an early childhood agency as one of their required SS/HS partners.

Proposed Full Application Requirement 2—Required SS/HS Partners

Under this proposed requirement, each applicant must identify, in its full application, each of the following as required SS/HS partners: an early childhood agency, a local juvenile justice agency, a local law enforcement agency, and a local public mental health authority (as these terms are defined in this notice).

Proposed Full Application Requirement 3—Letters of Commitment From Required SS/HS Partners

Background: As previously described, we propose requiring pre-application applicants to submit letters of commitment from required SS/HS partners. We propose that full application applicants submit letters of commitment again, as part of the full application. The letters of commitment with the full application would reconfirm the commitment of each of the required partners and address any changes (such as changes in leadership, staffing, or other resources that may diminish or increase the capacity of the required partners to support the SS/HS comprehensive plan) made since submitting the pre-application.

Proposed Full Application Requirement 3—Letters of Commitment From Required SS/HS partners

Each applicant must include, in its full application, letters of commitment from each of the required SS/HS partners—an early childhood agency, a local juvenile justice agency, a local law enforcement agency, and a local public mental health authority (as defined in this notice). The applicant-LEA must also submit a letter of commitment. Each letter of commitment must be signed by the agency or authority's authorized representative (as defined in this notice). For consortium applicants, each member LEA must include a letter of commitment, and the corresponding required SS/HS partners for each member LEA must include a letter of commitment.

Each letter of commitment must include information that (1) supports the selection of the agency or authority as a required SS/HS partner; (2) outlines the organizational capacity of the agency or authority and its commitment to the SS/HS project; (3) describes the resources available to support the full application process; (4) details past experience with collecting and using data for decision-making; (5) documents

past experience with building relationships and engaging community members in child- and youth-focused programs; and (6) describes the partner's role in conducting the community assessment and in developing an SS/HS comprehensive plan.

In addition, the letters of commitment included in the full application must include a description of any changes (since submitting the pre-application) in leadership, staffing, or other resources that may diminish or increase the capacity of the required partners to support the SS/HS comprehensive plan.

Proposed Full Application Requirement 4—Logic Model

Background: Beginning in 2007, SS/HS applicants have been required to submit a "logic model" as part of their applications. The logic model is a graphic representation, by each SS/HS element, of key information included in the comprehensive plan narrative. Many applicants have stated that constructing the logic model helped organize and conceptualize the SS/HS comprehensive plan.

Additionally, we believe that requiring a logic model has helped applicants and reviewers to compare the identified community's needs and gaps with: (1) Goals and objectives; (2) proposed activities, curricula, programs, and services; (3) partners' roles; and (4) outcome measures. In addition, the logic model has helped applicants and reviewers to evaluate the extent to which the applicant's goals; objectives; proposed activities, curricula, programs, and services; partners' roles; and outcome measures were appropriate and reasonable.

Proposed Full Application Requirement 4—Logic Model

Each applicant must include a logic model with its full application. The logic model must represent the SS/HS comprehensive plan in a chart format, by element, that depicts: (1) The needs and gaps identified in the community assessment; (2) goals that are responsive to the identified needs and gaps; (3) goal-related objectives that are specific, measurable, appropriate, and timely; (4) activities, curricula, programs, and services that are responsive to the identified needs and gaps and are appropriate for the population to be served; (5) each required partner's role and evidence of its strong commitment to the project; and (6) process and outcome measures that will adequately evaluate the project and provide data for continuous improvement of the project.

Proposed Full Application Requirement 5—Description of Community Assessment Process

Background: A proposed requirement of the pre-application is a plan for conducting a collaborative community assessment and a description of how the SS/HS partners would engage community organizations, community members, students, and their families in the analysis of data and in the design of the SS/HS comprehensive plan, if invited to submit a full application. Because invited applicants will have additional time to conduct the community assessment and prepare the full application, we believe it would be appropriate to require them to provide a more detailed description of the community assessment process and findings from the assessment at this stage of the application process.

Proposed Full Application Requirement 5—Description of Collaborative Community Assessment Process

Each applicant must include, as part of its full application, a description of the collaborative community assessment process used to design the SS/HS comprehensive plan. The description must explain how the required SS/HS partners engaged community organizations, community members, and students and their families in the community assessment, analysis of the data collected through the assessment, and decision-making process used to prepare the full application.

Proposed Full Application Requirement 6—Statement of Accuracy and Veracity

Background: As previously stated in this notice, the SS/HS application process involves a broad array of individuals, organizations, local governments, and other community-based agencies. As the lead applicant and the potential grantee, it is important that the authorized representative of the applicant-LEA be knowledgeable and up to date on the details of the SS/HS application. Accordingly, we propose requiring that each applicant include, in its full application, a statement attesting to the manner in which the grant application was developed and the veracity of the data included in the application.

Proposed Full Application Requirement 6—Statement of Accuracy and Veracity

In the full application, each applicant must include a program-specific "statement of accuracy and veracity" assurance that has been signed by the LEA's authorized representative. The program-specific assurance must attest that the data, statements, and other information included in the application are true, complete, and accurate and do not contain false, fictitious, or fraudulent statements or claims. The assurance must also attest that the collaborative process was carried out, as described in the pre-application, or, if there were changes, describe how the community assessment process differed from the process described in the pre-application.

Proposed Full Application Requirement 7—Funding Request

Background: In the most recent SS/HS competitions, the Department used student enrollment data to establish maximum annual grant award amounts, as follows: $2,250,000 for an LEA with at least 35,000 students; $1,500,000 for an LEA with at least 5,000 students, but fewer than 35,000 students; and $750,000 for an LEA with fewer than 5,000 students. Several small, rural, and Tribal LEAs stated that it is erroneous to assume smaller LEAs require less funding to implement an SS/HS comprehensive plan and argued that costs associated with serving their student populations are as much or more than the costs of providing services in larger, more densely populated areas (due in part to, for example, distance, lack of municipal infrastructure, and limited service providers).

We, therefore, are proposing to increase the award amounts available to smaller LEAs.

Proposed Full Application Requirement 7—Funding Request

Applicants may request no more funding than the established maximum amount. Based on student enrollment data for the participating LEAs, the request for funding in a full application must not exceed the following maximum amounts for any of the project's four 12-month budget periods:

Enrollment	Maximum funding request not to exceed:
Fewer than 15,000 students	$1 million per year [for a total of $4 million].
15,000–49,999 students	$1.5 million per year [for a total of $6 million].
50,000 or more students	$2 million per year [for a total of $8 million].

To determine the maximum funding request, applicants must use the most recent student enrollment data from the National Center for Education Statistics (NCES) Common Core of Data (CCD) as posted on the NCES Web site (*http://nces.ed.gov/ccd/districtsearch*). In the case of consortium applicants, the maximum funding request is based on the combined student enrollment data for all participating LEAs.

If a Department of the Interior, Bureau of Indian Education-funded school that is not included in the NCES database requests grant funds that exceed $1 million for any of the project's four 12-month budget periods, it must provide documentation of student enrollment data from the Native American Student Information System.

Proposed Full Application Requirement 8—Post-Award Requirements

Background: Federal SS/HS grant monitors have found that SS/HS grantees were sometimes unclear about grant expectations and requirements following the award of the grant. We propose to clearly identify the following post-award requirements relating to: (1) The full-time SS/HS project director; (2) the minimum evaluation and data requirements at the national and grantee level; (3) the submission of a signed memorandum of agreement (MOA) within six months of receipt of the grant award notice; and (4) the development of a communications and outreach plan that uses social marketing (as defined in this notice) principles and techniques.

Full-time project director. Former grantees have told us that due to the complexity and comprehensiveness of the SS/HS project, a full-time SS/HS project director is essential to, and a strong predictor of, a project's success. Federal program monitors agree with this assessment. In addition to overseeing the implementation of all SS/HS grant activities, the project director is responsible for fiscal management, ensuring timely submission of performance reports, assuring compliance with appropriate Department of Education and Federal grant regulations and requirements, and coordinating with local partners and community members. Having a single, full-time person assume these responsibilities will improve coordination and accountability between the Federal program monitor and the grantee.

Evaluation and data requirements. The regular availability of performance data is necessary for providing SS/HS Federal partners with data needed to demonstrate the progress of the SS/HS grant program and report to Congress; demonstrate a grantee's progress and determine continuation funding; and inform a grantee's continuous improvement process. We have encouraged grantees to make evaluation an integral part of their SS/HS planning and implementation activities and since 1999 have required that grantees set aside a portion of their award to support evaluation activities. Based on the feedback we have received from former grantees and SS/HS grant monitors, we have found that guidance and technical assistance in the area of evaluation expectations is not enough, and that timely data collection and reporting is a challenge for some funded grantees. We, therefore, propose a revised set of post-award requirements relating to data collection and reporting.

First, we propose that each applicant include in its full application an assurance that, if granted a SS/HS award, the grantee and required SS/HS partners will participate in SS/HS national evaluation efforts. Second, we propose requiring grantees to submit to the Department a report on local evaluation activities and results at least annually and at the conclusion of the grant. Finally, we propose that grantees submit semi-annual performance data as needed to support one of the SS/HS Federal partners' performance data systems, currently known as the Transformation Accountability System (TRAC). (Unlike other SS/HS performance data, TRAC data need to be updated semi-annually at the Federal level.)

MOA. In 1999, applicants were required to include two written agreements signed by the required SS/HS partners. The first agreement delineated the roles and responsibilities of all of the required partners. The second agreement outlined the referral, treatment, and follow-up process for providing mental health services to children and youth. In 2007 the requirement changed and applicants were required to submit a preliminary MOA with the application and, if funded, a final MOA was required post award. In this notice, we propose to require applicants to include letters of commitment with the pre-application and, if selected, with the full application. However, we do not propose to eliminate the post-award requirement that grantees submit a final MOA (as defined in this notice) to the Department within six months of receipt of the grant award notice.

Finally, the SS/HS program established funding restrictions in 1999 related to the local evaluation requirement (that at least five percent of the total grant award each year be used by a grantee for evaluating its project) and the limit on expenditures for costs of security equipment, security personnel, and minor remodeling of school facilities to improve safety (no more than 10 percent of each year's total award). The set-aside for the local evaluation was changed to seven percent in 2001; the funding restrictions related to security equipment, security personnel, and minor remodeling has not changed since 1999. Under this proposed requirement the funding restrictions would remain the same. However, we would restrict funding as it relates to another grant activity, communications and outreach.

Communications and outreach plan. We have seen how communications and social marketing efforts can greatly support the programmatic goals and objectives of SS/HS projects. A communications and outreach plan, developed by the grantee, presents strategies to: (1) Garner community support of and participation in the proposed project; (2) develop key messages that promote healthy childhood development and prevention of violence and substance abuse; and (3) regularly update the community, partners, staff, and students about the proposed project's progress. For this reason, we propose to require applicants to develop a communications and outreach plan and a communications and outreach budget to support and implement the plan. Under these proposed requirements, the communications and outreach budget must use no less than two percent of each year's award and will be subject to approval by the Department if an award is made.

Proposed Full Application Requirement 8—Post-Award Requirements

Each applicant invited to submit a full application will acknowledge post-award requirements by including the following in its application:

(1) An assurance that a single, full-time (as defined in this notice) project director will be hired to manage and provide leadership for the proposed SS/HS project. The project director will be considered key personnel.

(2) A statement signed by the required SS/HS partners agreeing to comply with the SS/HS evaluation requirements, including: (a) Submission of baseline data prior to implementing grant activities, curricula, programs or services and no later than 6 months after receipt of the grant award notice; (b) submission of an evaluation plan within 6 months of receipt of the grant award notice; (c) submission of annual and final evaluation reports (as defined in

this notice); (d) participation in national SS/HS evaluation activities; and (e) collection and semi-annual submission of TRAC data.

(3) A statement signed by the authorized representative of the applicant-LEA, committing to submit an MOA (as defined in this notice) within 6 months of receipt of the grant award notice. For consortium applicants, the statement must be signed by the authorized representative of the LEA serving as the applicant.

(4) A statement signed by the authorized representative of the applicant-LEA, committing to submit a communications and outreach plan and a communications and outreach budget within six months of receipt of the grant award notice. For consortium applicants, the statement must be signed by the authorized representative of the LEA serving as the applicant.

Funding Restrictions: The proposed funding restrictions for this program are:

(1) Not less than 7 percent of the total budget for each project year must be used to support costs associated with local evaluation activities.

(2) Not more than 10 percent of the total budget for each project year may be used to support costs associated with security equipment, security personnel, and minor remodeling of school facilities to improve school safety.

(3) Not less than 2 percent of the total budget for each project year must be used to support costs associated with the communications and outreach plan.

Additional Selection Factors

Background: Since 1999 the applicants for SS/HS have been diverse, in geographic location and in activities addressed by the projects. We have funded at least one SS/HS project in 49 States and in the District of Columbia. All funded SS/HS projects included at least one activity, curricula, program, or service for each of the identified five elements. We propose additional selection factors to ensure continued diversity of funded projects.

Proposed Additional Selection Factors

We propose to consider geographic distribution and diversity of activities addressed by the projects in selecting an application for an award.

Proposed Definitions

Background: Several important terms associated with this competition are not defined in the statute. Additionally, some important terms are defined in various ways in the field (depending on the discipline) and across communities. To ensure that all required SS/HS partners have a clear understanding of the SS/HS program and requirements, we propose to define a select number of terms important for applicants to understand when responding to the proposed priorities and requirements and submitting a pre-application or a full application under this program.

Among the terms we propose to define in this notice is the term *comprehensive plan,* which we have defined in other notices for this program. We are proposing to revise this definition based on feedback we have received from grantees and questions received from applicants during the competition. Specifically, we intend to clarify that the comprehensive plan, as used in this competition, is the applicant's response to the selection criteria. Additionally, we hope to focus on the range of strategic actions that can be included in the comprehensive plan along with the selected activities, curricula, programs, and services. Finally, we intend to require applicants to use a community-specific data-driven approach in creating a comprehensive plan. For example, many grantees with successful long-term outcomes highly rate the use of good practice and judgment when selecting which evidence-based activities, curricula, and programs to include in their SS/HS comprehensive plan. They have stated that the outcomes of evidence-based activities, curricula, programs, and services were best when the age and developmental level of the targeted population were taken into consideration and when cultural and linguistic competency was reflected in all activities, curricula, programs, and services. The Federal partners had assumed that applicants considered the age and developmental levels, gender, and cultural diversity of populations to be served; to ensure that this is done in future SS/HS projects, we propose to include this consideration as part of the definition for comprehensive plan.

Proposed Definitions

The Assistant Deputy Secretary proposes the following definitions for this program. We may apply one or more of these definitions in any year in which this program is in effect.

Authorized representative means the official within an organization with the legal authority to give assurances, make commitments, enter into contracts, and execute such documents on behalf of the organization as may be required by the U.S. Department of Education (the Department), including certification that commitments made on grant proposals will be honored and that the organization agrees to comply with the Department's regulations, guidelines, and policies.

Community assessment means an assessment developed through a planned and purposeful process of gathering, analyzing, and reporting current data and information about the characteristics and needs of children and youth, schools, and communities in which SS/HS services will be implemented, as well as the services or resources that are also currently available in the community to meet needs. The community assessment must include—

(a) A description of the collaborative community assessment process used;

(b) A description of the characteristics and demographics of the community, schools, children, youth, and families to be served;

(c) A description of the individual, family, school, and community risk and protective factors that have an impact on the targeted population and that correspond to the five SS/HS elements described in this notice;

(d) A description of the community's needs and gaps, including challenges related to the accessibility to, or quality of, services related to the five SS/HS elements described in this notice;

(e) A description of problem behaviors exhibited by the children and youth to be served, including, but not limited to: (1) Classroom disruption, (2) drug and alcohol use, and (3) incidence of violent and aggressive behavior; and

(f) A discussion regarding the availability of school and community-based mental health services.

Community overview means general qualitative, descriptive, and anecdotal information about the community to be served by the proposed project. Information included in the community overview should come from readily available sources and must include, but is not limited to—

(a) Size of LEA(s) to be served, including the number of students and school buildings in those LEA(s);

(b) A description of the population (socio-economic, racial, ethnic characteristics) to be served;

(c) A description of the risk and protective factors affecting the targeted population; and

(d) A description of the existing services, unmet needs, and other challenges and barriers that are related to the five SS/HS elements described in this notice.

Comprehensive plan means a narrative response to the selection criteria in the full application that draws from the results of the community assessment to describe the ways in which the community's existing

needs and gaps will be addressed within the following five SS/HS elements:

Element One: Promoting early childhood social and emotional learning and development.

Element Two: Promoting mental, emotional, and behavioral health.

Element Three: Connecting families, schools, and communities.

Element Four: Preventing and reducing alcohol, tobacco, and other drug use.

Element Five: Creating safe and violence-free schools.

The SS/HS comprehensive plan must reflect a range of strategic actions, such as capacity building, collaboration and partnership, policy change and development, systems change and integration, and use of technology. The comprehensive plan must include, but is not limited to—

(a) An explanation of how data was used to develop the comprehensive plan;

(b) Specific, measurable objectives of the proposed SS/HS project;

(c) A description of the activities, curricula, programs, and services that will be implemented as part of the proposed SS/HS project to address the existing needs and gaps;

(d) Information that demonstrates that the selected activities, curricula, programs, and services are evidence-based or reflect current research, are culturally and linguistically competent and are developmentally appropriate for the targeted population, and serve vulnerable and at-risk populations;

(e) A description of how the required SS/HS partners will work together to share resources in order to achieve the community's goals and outcomes;

(f) A description of how the program will expand the community's current capability to serve children, youth, and families;

(g) A description of how the SS/HS program will be implemented and managed in a way that will increase efficiencies and communication across schools, parents, and the SS/HS partners;

(h) A detailed management plan that addresses how the partners and others will make decisions, communicate, share information and resources, overcome barriers, monitor progress and use data for continuous improvement, increase the levels and intensity of collaboration, and plan for sustainability of the SS/HS program; and

(i) A description of the evaluation planning process.

Core management team means a team of senior-level representatives from each of the required SS/HS partners that provides support to the SS/HS project director in the day-to-day management of the project.

Early childhood agency means a local or State government agency that addresses early learning and development issues in the communities to be served by the project. Examples of early childhood agencies include State childcare advisory boards, county childcare commissions or councils, State Advisory Councils on Early Childhood Education and Care, and the Governor's Office of Children and Families. *Note:* Local programs that provide early learning and development services to young children (*e.g.,* child care programs and Head Start programs) would not meet this definition.

Evaluation report means a report that focuses on the formative and summative evaluation of the local SS/HS activities, strategies, policies, and operations implemented each year of and at the end of the project. The report must include, but is not limited to—

(a) A description of evaluation activities conducted during the year that includes information about—

(i) The type of data collected;

(ii) The methods used to collect data;

(iii) The reliability of the data collection instruments used;

(iv) The frequency with which data were collected;

(v) The persons from whom data were collected;

(vi) The number of persons who completed each data collection instrument; and

(vii) The methods used to analyze data;

(b) A description of the activities, services, strategies, programs, and policies implemented as part of the grantee's SS/HS project;

(c) Information regarding the fidelity with which evidence-based programs were implemented as part of the grantee's SS/HS project;

(d) A description of the processes and procedures followed to implement and operate components of the grantee's SS/HS project;

(e) A description of SS/HS partners and the processes implemented to ensure collaboration among partners;

(f) Information on changes in the level of collaboration and integration among the project's SS/HS partners;

(g) A description of unanticipated obstacles encountered during the implementation of SS/HS activities, strategies, programs, and policies and how they were overcome;

(h) Information on the number and demographic characteristics (age, gender, race, grade, and other relevant information such as disability status) of the children, youth, parents, and community stakeholders who participate in SS/HS activities, services, and programs;

(i) A description of how and the frequency with which evaluation findings were shared with the local SS/HS project director and the core management team (as defined in this notice) to inform their decision-making and to make changes to the project in order to achieve greater effectiveness;

(j) A description of activities conducted to disseminate information about the grantee's SS/HS project to community stakeholders, including parents, school personnel, community leaders, and residents;

(k) Data and analyses related to the SS/HS Government Performance and Results Act indicators and other locally-determined outcome indicators; and

(l) Interpretations of findings, conclusions and recommendations.

Full-time means working at least 240 days for every 12-month period.

Local juvenile justice agency means an agency or entity at the local level that is officially recognized by the State or local government as responsible for addressing juvenile justice issues in the communities to be served by the proposed project. Examples of juvenile justice agencies include: Juvenile or family courts, juvenile probation agencies, and juvenile corrections agencies.

Local law enforcement agency means the agency (or agencies) that is officially recognized by the State or local government as the law enforcement authority for the LEA. Examples of local law enforcement agencies include: Municipal, county, LEA, and State police; Tribal police and councils; and sheriffs' departments.

Local public mental health authority means the entity legally constituted (directly or through contracts with the State mental health authority) to provide administrative control or oversight of mental health services within the communities to be served by the project.

Memorandum of Agreement (MOA) means a document signed by the authorized representatives from each of the required SS/HS partners—the lead applicant-LEA, the local public mental health authority, the local law enforcement agency, the local juvenile justice agency, and the early childhood agency. For consortium applicants, the MOA must be signed by the authorized representatives from each of the member LEAs and the corresponding required SS/HS partners for each member LEA. Additionally, the MOA must include:

(a) Any needed revisions to the statement of support and commitment included in the full application for each of the required SS/HS partners (described in the letters of commitment submitted with the full application) to implement the project.

(b) A roster of the core management team (as defined in this notice) that clearly defines how each member of the team will support the SS/HS project director in the day-to-day management of the project.

(c) Any needed revisions to the process for involving multiple and diverse sectors of the community in the implementation and continuous improvement of the project.

(d) A logic model that identifies needs or gaps and connects those needs or gaps with corresponding project goals, objectives, activities, partners' roles, outcomes, and outcome measures for each of the SS/HS elements.

(e) A description of the procedures to be used for referral, treatment, and follow-up for children and adolescents in need of mental health services and an assurance that the local public mental health authority will provide administrative control or oversight of the delivery of mental health services.

TRAC (Transformation Accountability System) means the system the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS) uses to collect Government Performance and Results Act performance measure data for the SS/HS program.

Final Priorities, Requirements, and Definitions

We will announce the final priorities, requirements, and definitions in a notice in the **Federal Register**. We will determine the final priorities, requirements, and definitions after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use one or more of these priorities, requirements, and definitions, we invite applications through a notice in the **Federal Register.**

Executive Order 12866: This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this proposed regulatory action.

The potential costs associated with this proposed regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this proposed regulatory action, we have determined that the benefits of the proposed priorities, requirements, and definitions justify the costs.

We have determined, also, that this proposed regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

Discussion of Costs and Benefits: The Secretary believes that the costs imposed on an applicant by the proposed priorities, requirements, and definitions would be related to preparing an application, including but not limited to staff time, copying, and mailing or delivery and are minimal for the pre-application. Additional costs may be incurred by those applicants invited to submit a full application but the benefits of these proposed priorities, requirements, and definitions are significant Federal assistance to fund the implementation and enhancement of prevention and intervention activities, curricula, programs, and services would outweigh any costs incurred by the applicant. Additionally, the required SS/HS partners should bring intellectual, human, and financial resources to the grant application process, thereby reducing or eliminating costs the applicant may incur.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT.**

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: February 14, 2011.

Kevin Jennings,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. 2011–3788 Filed 2–17–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, March 9, 2011, 6 p.m.

ADDRESSES: DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee 37830.

FOR FURTHER INFORMATION CONTACT: Patricia J. Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–2347 or e-mail: *halseypj@oro.doe.gov* or check the Web site at *http://www.oakridge.doe.gov/em/ssab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The main meeting presentation will be on the results of the Study to Re-examine Options for Downblending Uranium-233 in Building 3019 at Oak Ridge National Laboratory.

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee

meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Patricia J. Halsey at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Patricia J. Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Patricia J. Halsey at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.oakridge.doe.gov/em/ssab/minutes.htm.*

Issued at Washington, DC, on February 14, 2011.

LaTanya Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2011–3702 Filed 2–17–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11–72–000]

Sabine Pass Liquefaction, LLC and Sabine Pass LNG, L.P.; Notice of Application

Take notice that on January 31, 2011, Sabine Pass Liquefaction, LLC and Sabine Pass LNG, L.P. (collectively, Sabine Pass), 700 Milam Street, Suite 800, Houston, Texas 77002, filed in Docket No. CP11–72–000, an application, pursuant to section 3(a) of the Natural Gas Act (NGA), as amended, and part 153 of the Commission's Regulations, to site, construct, and operate liquefaction and export facilities (Liquefaction Project) at the existing Sabine Pass LNG Terminal, located in Cameron Parish, Louisiana. The Liquefaction Project will provide the capability to liquefy domestic natural gas supplies for export of approximately 16 million metric tonnes of liquefied natural gas (LNG) per annum, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any questions regarding this application should be directed to Patricia Outtrim, Sabine Pass LNG, L.P., 700 Milam Street, Suite 800, Houston, Texas 77002, or call (713) 375–5212, or by e-mail *pat.outtrim@cheniere.com.* Or contact Lisa M. Tonery, Fulbright & Jaworski L.L.P., 666 Fifth Avenue, New York, NY 10103, or call (212)318–3009, or by e-mail *ltonery@fulbright.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and State agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

On August 4, 2010, the Commission staff granted Sabine Pass' request to utilize the Pre-Filing Process and assigned Docket No. PF10–24 to staff activities involved with Sabine Pass' Liquefaction Project. Now, as of the filing of the application on January 31, 2011, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP11–72–000, as noted in the caption of this Notice.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit an original and 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call

(866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: March 4, 2011.

Dated: February 11, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–3670 Filed 2–17–11; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–1085; FRL–8861–2; EPA ICR No. 2425.01; OMB Control No. 2070–new]

Agency Information Collection Activities; Proposed Collection; Comment Request; Use of Surveys in Developing Improved Labeling for Insect Repellent Products

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 EPA is planning to submit a request for a new Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR, entitled: "Use of Surveys in Developing Improved Labeling for Insect Repellent Products" and identified by EPA ICR No. 2425.01 and OMB Control No. 2070–new. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection.

DATES: Comments must be received on or before April 19, 2011.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2010–1085, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2010–1085. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available 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: Kathryn Boyle, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6304; fax number: (703) 305–8554; e-mail address: *boyle.kathryn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of PRA, EPA specifically solicits comments and information to enable it 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 estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, 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.

II. 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. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the collection activity.

7. Make sure to submit your comments by the deadline identified under **DATES**.

8. 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.

III. What information collection activity or ICR does this action apply to?

Affected entities: Potential respondents affected by these voluntary collection activities will be members of the general public who have purchased and used insect repellent products.

Title: Use of Surveys in Developing Improved Labeling for Insect Repellent Products.

ICR numbers: EPA ICR No. 2425.01, OMB Control No. 2070–new.

ICR status: This ICR is for a new information collection activity. 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 Code of Federal Regulations (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 for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA intends to initiate a new voluntary information collection, a one-time Internet survey, for consumer research. The goals of the Internet survey are to (1) identify the types of information that users of insect repellents want on the label of an insect repellent and (2) test four versions of efficacy marks, a graphic that could be placed on the front label of an insect repellent, that would standardize the presentation of information on how long the insect repellent repels ticks and mosquitoes. For the first efficacy mark viewed, participants would provide information on their understanding of the efficacy mark, just as if they came across the mark on a product label with no prior explanation of what the mark could mean. Participants would rate all of the efficacy marks for understandability and usefulness, and then indicate a preferred choice. EPA would use this information to formulate decisions and policies affecting future labeling of insect repellents. The ultimate goal of this activity is to help the consumer to effectively use the information on the label to select the insect repellent product most likely to meet their needs and readily understand label instructions regarding safe product use. This is a voluntary survey. One survey would be conducted over the life of the ICR.

The collected information could be used to revise insect repellent product labels and to create other user friendly consumer information materials. By enabling consumers to make better choices in regard to purchasing and using products intended to protect their health, EPA will more effectively carry out its mandate to protect the public from unreasonable risks to human health. If any individuals or organizations in possession of survey data that are similar to the survey activity that EPA wishes to initiate and if the individual or organization is willing to publicly share the methodology used, the results and underlying raw data, contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 15 minutes 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 this estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 3,000.

Frequency of response: One time.

Estimated total average number of responses for each respondent: On-line survey of approximately 15 minute duration.

Estimated total annual burden hours: 750 hours.

Estimated total annual costs: $15,675. There is no cost for capital investment or maintenance and operational costs.

IV. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. 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 person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: February 10, 2011.

Stephen A. Owens,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2011–3611 Filed 2–17–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–8995–4]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–1399 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements.

Filed 02/07/2011 through 02/11/2011.

Pursuant to 40 CFR 1506.9.

Notice

In accordance with Section 309(a) of the Clean Air Act, EPA is required to make its comments on EISs issued by other Federal agencies public. Historically, EPA met this mandate by publishing weekly notices of availability of EPA comments, which includes a brief summary of EPA's comment letters, in the **Federal Register**. Since February 2008, EPA has included its comment letters on EISs on its Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html.* Including the entire EIS comment letters on the Web site satisfies the Section 309(a) requirement to make EPA's comments on EISs available to the public. Accordingly, on March 31, 2010, EPA discontinued the publication of the notice of availability of EPA comments in the **Federal Register**.

EIS No. 20110036, Draft EIS, NPS, AZ, Grand Canyon National Park, Special Flight Rules Area (SFRA), Restore Natural Quiet, Coconino County, AZ, *Comment Period Ends:* 06/17/2011, Contact: Ed Benning 928–638–7695.

EIS No. 20110037, Final EIS, BPA, WA, Central Ferry-Lower Monumental 500-kilovolt Transmission Line

Project, Proposing to Construct, Operate, and Maintain a 38 to 40–Mile-Long 500-kilovolt (kV) Transmission Line, Garfield, Columbia and Walla Walla Counties, WA, *Review Period Ends:* 03/21/2011, *Contact:* Tish Eaton 503–230–3469.

EIS No. 20110038, Draft Supplement, FHWA, WI, Zoo Interchange Corridor Study, New and Updated Information, Interstate I–94, I–894, and U.S. Highway 45, from 124th Street to 70th Street, Lincoln Avenue to Burleigh Street, Milwaukee County, WI, *Comment Period Ends:* 04/04/2011, *Contact:* Wes A. Shemwell 608–829–7521.

EIS No. 20110039, Final EIS, USACE, CA, West Sacramento Levee Improvements Program, To Protect Human Health and Safety and Prevent Adverse Effect on Property and its Economy, 408 Permission, Yolo and Solano Counties, CA, *Review Period Ends:* 03/21/2011, *Contact:* John Suazo 916–557–6719.

EIS No. 20110040, Final EIS, FHWA, ID, Idaho 16, I–84 to Idaho 44 Environmental Study, Proposed Action is to Increase the Transportation Capacity, Funding, Ada and Canyon Counties, ID, *Review Period Ends:* 03/21/2011, *Contact:* Ross Blanchard 208–334–9180.

EIS No. 20110041, Draft EIS, BLM, AZ, Northern Arizona Proposed Withdrawal Project, Proposed 20–Year Withdrawal of Approximately 1 Million Acres of Federal Mineral Estate, Coconino and Mohave Counties, AZ, *Comment Period Ends:* 04/04/2011, *Contact:* Chris Horyza 602–417–9446.

EIS No. 20110042, Final Supplement, USFS, MT, Bozeman Municipal Watershed Project, Additional Information, To Implement Fuel Reduction Activities, Bozeman Ranger District, Gallatin National Forest, City of Bozeman Municipal Watershed, Gallatin County, MT, *Wait Period Ends:* 03/21/2011, *Contact:* Teri Seth 406–522–2539.

EIS No. 20110043, Draft EIS, USFS, CA, Fish Camp Project, Proposes to Create a Network of Landscape Area Treatments and Defensible Fuel, Sierra National Forest, Bass Lake Ranger District, Madera and Mariposa Counties, CA, *Comment Period Ends:* 04/04/2011, *Contact:* Mark Lemon 559–877–2218 Ext. 3110.

Amended Notices

EIS No. 20100474, Draft EIS, BLM, CA, East County Substation/Tule Wind/Energia Sierra Juarez Gen-Tie Projects, Construction and Operation, Right-of-Way Grants, San Diego County, CA, *Comment Period Ends:* 03/04/2011, *Contact:* Greg Thomsen 951–697–5237. Review to FR Notice 12/23/2010: Extending Comment from 02/07/2011 to 03/04/2011.

Dated: February 15, 2011.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2011–3720 Filed 2–17–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

February 10, 2011.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before April 19, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to the Federal Communications Commission via e-mail to *PRA@fcc.gov* and *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0863.

Title: Satellite Delivery of Network Signals to Unserved Households for Purposes of the Satellite Home Viewer Act.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 848 respondents; 250,000 responses.

Estimated Time per Response: 0.50 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is the Satellite Home Viewer Act, 17 U.S.C. 119.

Total Annual Burden: 125,000 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On November 23, 2010, the Commission's Office of Engineering and Technology, released a Report and Order, Measurement Standards for Digital Television Signals Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004, ET Docket No. 06–94; FCC 10–195. The Report and Order adopted rules establishing measurement procedures for determining the strength of a digital broadcast television (DTV) signal at any specific location. These procedures will be used for determining whether households are eligible to receive distant DTV network signals retransmitted by satellite carriers, pursuant to the provisions of the Satellite Television Extension and Localism Act of 2010 (STELA). This Report and Order implements DTV signal measurement procedures proposed in the Commission's Notice of Proposed Rulemaking (SHVERA NPRM) and Further Notice of Proposed Rulemaking (STELA FNRPM) in this proceeding with minor modifications.

Therefore, the information collection requirements that require approval by the Office of Management and Budget (OMB) are as follows:

47 CFR 73.686(e) describes the procedures for measuring the field strength of digital television signals. These procedures will be used to determine whether a household is eligible to receive a distant digital network signal from a satellite television provider, largely rely on existing, proven methods the Commission has already established for measuring analog television signal strength at any individual location, as set forth in Section 73.686(d) of the existing rules, but include modifications as necessary to accommodate the inherent differences between analog and digital TV signals. The new digital signal measurement procedures include provisions for the location of the measurement antenna, antenna height, signal measurement method, antenna orientation and polarization, and data recording.

Therefore, satellite and broadcast industries making field strength measurements shall maintain written records and include the following information: (a) A list of calibrated equipment used in the field strength survey, which for each instrument specifies the manufacturer, type, serial number and rated accuracy, and the date of the most recent calibration by the manufacturer or by a laboratory. Include complete details of any instrument not of standard manufacture; (b) A detailed description of the calibration of the measuring equipment, including field strength meters, measuring antenna, and connecting cable; (c) For each spot at the measuring site, all factors which may affect the recorded field, such as topography, height and types of vegetation, buildings, obstacles, weather, and other local features; (d) A description of where the cluster measurements were made; (e) Time and date of the measurements and signature of the person making the measurements; (f) For each channel being measured, a list of the measured value of field strength (in units of dBμ after adjustment for line loss and antenna factor) of the five readings made during the cluster measurement process, with the median value highlighted.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–3647 Filed 2–17–11; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Breast Cancer in Young Women: Notice of Charter Amendment

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Advisory Committee on Breast Cancer in Young Women, National Center for Chronic Disease Prevention and Health Promotion, Department of Health and Human Services, has amended their charter to reflect the change in the filing date. The amended filing date is January 25, 2011.

For information, contact Temeika L. Fairley, M.D., PhD, Designated Federal Officer, Advisory Committee on Breast Cancer in Young Women, National Center for Chronic Disease Prevention and Health Promotion, Department of Health and Human Services, CDC, 4770 Buford Highway, NE., Mailstop K52, Atlanta, Georgia 30341, telephone (770) 488–4518, or fax (770) 488–4760.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–3706 Filed 2–17–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Healthcare Infection Control Practices Advisory Committee, Department of Health and Human Services, has been renewed for a 2-year period through January 19, 2013.

For information, contact Jeffrey Hageman, M.H.S., Executive Secretary, Healthcare Infection Control Practices Advisory Committee, Department of Health and Human Services, 1600 Clifton Road, NE., Mailstop A35, Atlanta, Georgia 30333, telephone 404/639–4951 or fax 404/639–2647.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–3713 Filed 2–17–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Institute for Occupational Safety and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through February 3, 2013.

For information, contact Dr. Roger Rosa, Executive Secretary, Board of Scientific Counselors, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services, CDC/Washington Office, HHH Building, 200 Independence Ave, SW., Room 715H, MS P12, Washington, DC 20201—telephone 202/205–7856 or fax 202/260–4464.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–3710 Filed 2–17–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR); Notice of National Conversation on Public Health and Chemical Exposures Leadership Council Meeting

Time and Date: 8:30 a.m.–5 p.m., Friday, March 11, 2011.

Location: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

Status: Open to the public, on a first come, first served basis, limited by the space available. An opportunity for the public to listen to the meeting by phone may be provided; *see* "contact for additional information" below.

Purpose: This is the final scheduled meeting of the National Conversation on Public Health and Chemical Exposures Leadership Council. The National Conversation on Public Health and Chemical Exposures is a collaborative initiative through which many organizations and individuals are helping develop an action agenda for strengthening the nation's approach to protecting the public's health from harmful chemical exposures. The Leadership Council provides overall guidance to the National Conversation project and will be responsible for issuing the final action agenda. For additional information on the National Conversation on Public Health and Chemical Exposures, visit this Web site: *http://www.atsdr.cdc.gov/nationalconversation/.*

Meeting agenda: The Leadership Council will finalize the Action Agenda.

Contact for additional information: If you would like to receive additional information on attending the meeting or the potential opportunity to listen to the meeting by phone, please contact: *nationalconversation@cdc.gov* or Julie Fishman at 770–488–0629.

Dated: February 9, 2011.

Tanja Popovic,

Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2011–3654 Filed 2–17–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Conducting Public Health Research Through the Field Epidemiology and Laboratory Training Programs (FETPs/FELTPs), Funding Opportunity Announcement (FOA) GH11–001, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12:30 p.m.–3 p.m., April 13, 2011 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Conducting Public Health Research Through the Field Epidemiology and Laboratory Training Programs (FETPs/FELTPs), FOA GH11–001, initial review."

Contact Person for More Information: Diana Bartlett, M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road, N.E., MS–D72 (attn: Christine Morrison), Atlanta, Georgia 30333, Telephone: (404) 639–4938, E-mail *dbartlett@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–3709 Filed 2–17–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): National Spina Bifida Patient Registry—Clinic Demonstration Project (U01), Funding Opportunity Announcement (FOA) DD11–001, Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 1 p.m.–4 p.m., March 31, 2011 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of the "National Spina Bifida Patient Registry—Clinic Demonstration Project (U01), FOA DD11–001, initial review."

Contact Person for More Information: Hylan D. Shoob, PhD, M.S.P.H., Scientific Review Officer, Office of the Associate Director for Science, Office of the Director, CDC, 1600 Clifton Road, NE., Mailstop D–72, Atlanta, GA 30333, Telephone: (404) 639–4796, E-mail: *hshoob@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–3708 Filed 2–17–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee

Correction: This notice was published in the **Federal Register** on January 31, 2011, Volume 76, Number 20, page 5379. The location of the meeting has changed as follows:

Place: DoubleTree Hotel Atlanta Buckhead, 3342 Peachtree Road, NE., Piedmont Room, Atlanta, Georgia 30326.

Contact Person for Additional Information: Nancy Anderson, Chief, Laboratory Practice Standards Branch, Division of Laboratory Science and Standards, Laboratory Science, Policy and Practice Program Office, Office of Surveillance, Epidemiology and Laboratory Services, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop F–11, Atlanta, Georgia 30333; telephone (404) 498–2741; fax (404) 498–2219; or via e-mail at *Nancy.Anderson@cdc.hhs.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 14, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–3707 Filed 2–17–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10251]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections 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.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Integrated Medicare and Medicaid State Plan Preprint; *Form No.:* CMS–10251 (OMB#: 0938–1047); *Use:* The Integrated Care Preprint is an optional tool for use by States to highlight the arrangements provided between the State and Medicare Advantage Special Needs Plans that are also providing Medicaid services. The preprint also provides the opportunity for States to confirm that their integrated care model complies with Federal statutory and regulatory requirements. State Medicaid Agencies may complete the preprint and CMS will review the information provided to determine if the State has properly completed and explained their integrated care arrangements and that the appropriate assurances have been met; *Frequency:* Once; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 10; *Total Annual Hours:* 200. (For policy questions regarding this collection contact Mary Pat Farkas at 410–786–5731. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office at 410–786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by April 19, 2011:

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Martique Jones,

Director, Regulations Development Group, Division B, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2011–3749 Filed 2–17–11; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–21 and –21B, CMS–37, CMS–64, CMS–10098, CMS–10106, CMS–10120, CMS–10292, and CMS–10220]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections 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 function; (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.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* CMS–21 (Quarterly Children's Health Insurance Program (CHIP) Statement of Expenditures for the Title XXI Program) and CMS–21B (State Children's Health Insurance Program Budget Report for the Title XXI Program State Plan Expenditures); *Use:* Forms CMS–21 and –21B provide CMS with the information necessary to issue quarterly grant awards, monitor current year expenditure levels, determine the allowability of State claims for reimbursement, develop CHIP financial management information, provide for State reporting of waiver expenditures, and ensure that the Federally

established allotment is not exceeded. Further, these forms are necessary in the redistribution and reallocation of unspent funds over the Federally mandated timeframes; *Form Numbers:* CMS–21 and CMS–21B (OMB#: 0938–0731); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 448; *Total Annual Hours:* 7,840. (For policy questions regarding this collection contact Jonas Eberly at 410–786–6232. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicaid Program Budget Report; *Use:* Form CMS–37 is prepared and submitted to the Centers for Medicare & Medicaid Services (CMS) by State Medicaid agencies. Form CMS–37 is the primary document used by CMS in developing the national Medicaid budget estimates that are submitted to the Office of Management and Budget and the Congress; *Form Number:* CMS–37 (OMB#: 0938–0101); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 7,616. (For policy questions regarding this collection contact Jonas Eberly at 410–786–6232. For all other issues call 410–786–1326.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Quarterly Medicaid Statement of Expenditures for the Medical Assistance Program; *Use:* Form CMS–64 has been used since January 1980 by the Medicaid State Agencies to report their actual program benefit costs and administrative expenses to CMS. CMS uses this information to compute the Federal financial participation for the State's Medicaid Program costs. Certain schedules of the CMS–64 form are used by States to report budget, expenditure and related statistical information required for implementation of the Medicaid portion of the State Children's Health Insurance Programs; *Form Number:* CMS–64 (OMB#: 0938–0067); *Frequency:* Quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 16,464. (For policy questions regarding this collection contact Jonas Eberly at 410–786–6232. For all other issues call 410–786–1326.)

4. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Beneficiary Satisfaction Survey; *Use:* The Beneficiary Satisfaction survey is performed to insure that the CMS 1–800–MEDICARE Helpline contractor is delivering satisfactory service to the Medicare beneficiaries. It gathers data on several Helpline operations such as print fulfillment and Web sites tool hosted on *http://www.medicare.gov.* Respondents to the survey are Medicare beneficiaries that have contacted 1–800–MEDICARE for information on benefits and services. CMS is seeking approval for additional questions to be added to the original collection entitled 800–Medicare Beneficiary Satisfaction survey. The original set of questions was used when placing outbound calls to callers regarding the service they received when they called the 800 Medicare Helpline with a Medicare question. The new expanded collection will include multiple survey methods to measure customer satisfaction not only with the Beneficiary Contact Center's (BCC's) handling of issues via telephone, but also the service provided to beneficiaries when they write a letter regarding their Medicare issue or use the e-mail and/or Web chat services provided by the BCC. The use of Customer Satisfaction Surveys is critical to the CMS mission to provide service to beneficiaries that is convenient, accessible, accurate, courteous, professional and responsive to the needs of diverse groups. *Form Number:* CMS–10098 (OMB#: 0938–0919); *Frequency:* Weekly, Monthly, and Yearly; *Affected Public:* Individuals and Households; *Number of Respondents:* 36,144; *Total Annual Responses:* 36,144; *Total Annual Hours:* 6,033. (For policy questions regarding this collection contact Mark Broccolino at 410–786–6128. For all other issues call 410–786–1326.)

5. *Type of Information Collection Request:* Revision of currently approved collection; *Title of Information Collection:* Medicare Authorization to Disclose Personal Health Information; *Use:* Unless permitted or required by law, the Health Insurance Portability and Accountability Act (HIPAA) prohibits Medicare (a HIPAA covered entity) from disclosing an individual's protected health information without a valid authorization. In order to be valid, an authorization must include specified core elements and statements. Medicare will make available to Medicare beneficiaries a standard, valid authorization to enable beneficiaries to request the disclosure of their protected health information. This standard authorization will simplify the process of requesting information disclosure for beneficiaries and minimize the response time for Medicare. The completed authorization will allow Medicare to disclose an individual's personal health information to a third party at the individual's request. *Form Number:* CMS–10106 (OMB#: 0938–0930); *Frequency:* Reporting—On occasion; *Affected Public:* Individuals or households; *Number of Respondents:* 1,004,000; *Total Annual Responses:* 1,004,000; *Total Annual Hours:* 251,000. (For policy questions regarding this collection contact Lindsay Dixon-Brown at 410–786–1178. For all other issues call 410–786–1326.)

6. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* 1932 State Plan Amendment Template; *Use:* Section 1932(a)(1)(A) of the Social Security Act (the Act) grants states the authority to enroll Medicaid beneficiaries on a mandatory basis into managed care entities managed care organization (MCOs) and primary care case managers (PCCMs). Under this authority, a State can amend its Medicaid State plan to require certain categories of Medicaid beneficiaries to enroll in managed care entities without being out of compliance. This template may be used by States to easily modify their State plans if they choose to implement the provisions of section 1932(a)(1)(A).

The State Medicaid Agencies will complete the template. CMS will review the information to determine if the State has met all the requirements of section 1932(a)(1)(A) and 42 CFR 438.50. If the requirements are met, CMS will approve the amendment to the State's title XIX plan giving the State the authority to enroll Medicaid beneficiaries on a mandatory basis into managed care entities MCOs and PCCMs. For a State to receive Medicaid funding, there must be an approved title XIX State plan; *Form Number:* CMS–10120 (OMB#: 0938–0933); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 10; *Total Annual Hours:* 100. (For policy questions regarding this collection contact Camille Dobson at 410–786–7065. For all other issues call 410–786–1326.)

7. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* State Medicaid Health Information Technology (HIT) Plan (SMHP) and Model Checklist: Health Information Technology (HIT) Planning-Advance Planning Document (HIT P–APD); *Use:* Section 4201 of

Recovery Act establishes 100 percent Federal financial participation (FFP) as reimbursement to States for making incentive payments to providers for meaningful use of certified electronic health record technology and 90 percent FFP for administering these payments. Additionally, States are required to conduct oversight of this program and ensure no duplicate payments; thus, CMS is requiring States to submit information to CMS for prior approval before drawing down funding. These documents, if States choose to implement these flexibilities, will require a collection of information to effectuate these changes.

The State Medicaid agencies will complete the templates. CMS will review the information to determine if the State has met all of the requirements of the Recovery Act provisions the States choose to implement. If the requirements are met, CMS will approve the amendments giving the State the authority to implement their Health Information Technology (HIT) strategy and implementation plans. For a State to receive Medicaid Title XIX funding, there must be an approved State Medicaid HIT Plan, Planning Advance Planning Document and Implementation Advance Planning Document; *Form Number:* CMS–10292 (OMB#: 0938–1088); *Frequency:* Yearly, Once, Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 56. (For policy questions regarding this collection contact Sherry Armstead at 410–786–4342. For all other issues call 410–786–1326.)

8. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Provider Enrollment, Chain and Ownership System (PECOS) Security Consent Form; *Use:* The primary function of the Medicare enrollment application is to obtain information about the provider or supplier and whether the provider or supplier meets Federal and/or State qualifications to participate in the Medicare program. In addition, the Medicare enrollment application gathers information regarding the provider or supplier's practice location, the identity of the owners of the enrolling organization, and information necessary to establish the correct claims payment. In establishing a Web based application process, we allow providers and suppliers the ability to enroll in the Medicare program via the Internet. For these applicants, no security consent form is needed to enroll or make a change in their Medicare enrollment information. These applicants receive complete access to their own enrollments through Internet-based Provider Enrollment, Chain and Ownership System (PECOS).

In order to allow a provider or supplier to delegate the Medicare credentialing process to another individual or organization, it is necessary to establish a Security Consent Form for those providers and suppliers who choose to have another individual or organization access their enrollment information and complete enrollments on their behalf. These users could consist of administrative staff, independent contractors, or credentialing departments and are represented as Employer Organizations. Employer Organizations and its members must request access to enrollment data through a Security Consent Form. The security consent form replicates business service agreements between Medicare applicants and organizations providing enrollment services.

We are proposing two different versions of the Security Consent Form. The form, once signed, mailed and approved, grants an employer organization or its member's access to all current and future enrollment data for the Medicare provider. *Form Number:* CMS–10220 (OMB#: 0938–1035); *Frequency:* Occassionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 197,500; *Total Annual Responses:* 197,500; *Total Annual Hours:* 49,375. (For policy questions regarding this collection contact Alisha Banks at 410–786–0671. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on March 21, 2011.

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974, *E-mail: OIRA_submission@omb.eop.gov.*

Martique Jones,

Director, Regulations Development Group, Division B, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2011–3748 Filed 2–17–11; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Strengthening Communities Fund (SCF) Performance Management and Evaluation Support.

OMB No.: New Collection.

Description: This proposed information collection activity is to obtain information from participants in two Strengthening Communities Fund (SCF) programs: The Nonprofit Capacity Building Program and the State, Local, and Tribal Government Capacity Building Program. Both programs are designed to contribute to the economic recovery as authorized in the American Recovery and Reinvestment Act of 2009 (ARRA). The SCF evaluation is an important opportunity to examine outcomes achieved by the Strengthening Communities Fund and progress toward the objective of improving the capacity of organizations served by program grantees to address broad economic recovery issues in their communities.

The evaluation will be designed to assess progress and measure increased organizational capacity of each participating organization. The purpose of this request is to receive approval of the data collection instruments that will be used in this study.

A significant amount of information is already being collected through program-specific OMB-approved PPR forms or is available through secondary sources. Proposed surveys and phone interviews are very brief to reduce the burden on respondents.

Respondents:

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
On-line Survey of SCF Grantees	84	1	0.25	21
Telephone Interview of SCF Grantees	84	1	1.5	126
On-line Survey of Faith-based and Community Organizations (FBCOs)	1,000	1	0.5	500

Estimated Total Annual Burden Hours: 647.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–7285, *E-mail: OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2011–3745 Filed 2–17–11; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Income Withholding for Support (IWO).

OMB No.: 0970–0154.

Description

Use of the OMB-approved Income Withholding for Support form falls under the authority of section 466 of the Act, 42 U.S.C. 666. Section 466(b)(6)(A)(ii) of the Act requires that the notice given to the employer for income withholding in IV–D cases shall be in a standard format prescribed by the Secretary, and contain only such information as may be necessary for the employer to comply with the withholding order for all IV–D cases. Section 466(a)(8)(B)(iii) of the Act requires that section 466(b)(6)(A)(ii) of the Act be applicable also to non-IV–D income withholding orders. These provisions clearly require all individuals and entities to use a form developed by the Secretary of HHS to notify employers of the income withholding order for child support in all IV–D and non-IV–D cases.

OCSE requires States' automated systems to be able to automatically generate and download data to the OMB approved income withholding form. If child support orders are established by the child support agency, necessary information is already contained within the automated system for downloading into income withholding orders. If a court or other tribunal has issued a child support order, then agency staff enter the terms of the order into the automated system for use in issuing income withholding orders. Copies of the income withholding order are made for all necessary parties, and copies are transmitted to the employer/income withholder by mail or through the OCSE electronic income withholding order (e-IWO) portal.

The Income Withholding for Support form and instructions were updated for consistency and clarity in light of numerous comments suggesting changes, based on comments received during the 60-day comment period of the 1st **Federal Register** Notice publication.

Respondents: Non-IV–D Custodial Parties and Employers.

Previous iterations of the IWO omitted employers and non-IV–D CPs or their representatives, including attorneys or other entities issuing IWOs on behalf of CPs, as respondents; however, upon further review it has been determined that the impact on employers and non-IV–D CPs should be included in this information collection. This is based on the requirement that employers complete the "Notification of Termination/Income Status" section of the IWO and that non-IV–D CPs or their representative issuing IWOs do not have the information required to complete the IWO contained in an automated system and therefore are required to manually issue IWOs to employers/income withholders. The annual burden estimates for employers and CPs is captured in number 12.

ANNUAL BURDEN ESTIMATES

Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response (min)	Total burden hours
Employers	1,232,622	8	2	312,264
Non-IV–D CPs	1,969,044	1	5	164,087

Estimated Total Annual Burden Hours: 476,351.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov*.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, E-mail: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2011–3664 Filed 2–17–11; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0082]

Draft Guidance for Industry on Clinical Pharmacogenomics: Premarketing Evaluation in Early Phase Clinical Studies; 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 "Clinical Pharmacogenomics: Premarketing Evaluation in Early Phase Clinical Studies." The draft guidance is intended to assist the pharmaceutical industry and other investigators engaged in new drug development in evaluating how variations in the human genome could affect the clinical pharmacology properties and clinical responses of drugs.

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 comment 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 April 19, 2011.

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 or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the 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:

Lawrence J. Lesko, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 3178, Silver Spring, MD 20993–0002, 301–796–1565; or

Shiew-Mei Huang, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 3188, Silver Spring, MD 20993–0002, 301–796–1541; or

Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration (HFM–17), 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled "Clinical Pharmacogenomics: Premarketing Evaluation in Early Phase Clinical Studies." Pharmacogenomics (PGx) broadly refers to the study of variations of DNA and RNA characteristics and their relation to drug exposure and/or response. Drug exposure refers to either the administered dose or levels in a body tissue or fluid (*e.g.,* blood, plasma, cerebrospinal fluid). Drug response results from the interplay of pharmacokinetics (*e.g.,* drug absorption, metabolism, and excretion), and pharmacodynamics (*i.e.,* all of the effects of the drug on various physiologic and pathologic processes, including effectiveness and adverse effects). Genetic variations can also influence the exposure-response (E/R) relationship of drugs. PGx studies can enhance the understanding of interindividual differences in the efficacy and safety of investigational drugs.

Drug development is commonly described as going through "phases" (21 CFR 312.21). The first two phases collect information about safety and dosing, so that the larger, later (phase 3) studies (the adequate and well-controlled studies needed to support marketing approval) can gather the additional information about effectiveness and safety that is needed to evaluate the overall benefit-risk relationship of the drug and to provide an adequate basis for physician labeling. Much of the genomic information collected and assessed during the early phases is often described as "exploratory." Phase 2 studies that suggest genomic influences can lead to phase 3 trials that incorporate findings into prespecified hypotheses, such as enriching the study with genomically defined individuals, determining dose based on demonstrated variability in earlier studies, and defining a priori hypothesis testing of a primary endpoint in a genomic subset.

PGx information obtained from genomic investigations during the course of drug development (and from postmarketing studies) can improve the effectiveness and safety of drugs by identifying patients at high risk for a serious adverse event or absence of benefit; improving the benefit/risk relationship of drugs by using genomic tests to identify patients most likely to respond, or unable to respond to a drug; and by helping to select optimal doses based on genotype-driven differences in PK (pharmacodynamics) and/or PD (pharmacodynamics) of a drug. An important prerequisite to successful use of genetic information in drug development is appropriate collection and storage of DNA samples from all clinical trials, both exploratory and the adequate and well-controlled studies intended to support effectiveness and safety.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance represents the Agency's current thinking on conducting pharmacogenomic studies in

early phase clinical studies. 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 requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information that 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 201.57 have been approved under OMB control number 0910–0572.

III. 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. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances*, or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances,* or *http://www.regulations.gov*.

Dated: February 14, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–3679 Filed 2–17–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0528]

Unapproved Animal Drugs; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Request for comments; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to April 19, 2011, the comment period for the notice that appeared in the **Federal Register** of December 20, 2010 (75 FR 79383). In the notice FDA requested comments on strategies to address the prevalence of animal drug products marketed in the United States without approval or other legal marketing status. The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

DATES: Submit electronic or written comments by April 19, 2011.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2010–N–0528 by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- *FAX:* 301–827–6870.
- *Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and Docket No. FDA–2010–N–0528. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the "Request for 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* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Tracey H. Forfa, Center for Veterinary Medicine (HFV–1), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–9000, e-mail: *Tracey.Forfa@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 20, 2010 (75 FR 79383), FDA published a notice with a 60-day comment period to request comments from stakeholders on strategies to address the prevalence of animal drug products marketed in the United States without approval or other legal marketing status. The notice expressed FDA's interest in receiving comments on strategies that utilize FDA's existing regulatory framework for addressing this issue as well as on novel strategies not currently employed by the Agency.

The Agency has received requests for a 60-day extension of the comment period. The requests conveyed concern that the current 60-day comment period does not allow respondents sufficient time to address fully the many important issues FDA raised in the notice.

FDA has considered the requests and is extending the comment period for the notice for 60 days, until April 19, 2011. The Agency believes that a 60-day extension allows adequate time for interested persons to submit comments without significantly delaying the Agency's consideration of these important issues.

II. Request for 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. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 15, 2011.

David Dorsey,

Acting Deputy Commissioner for Policy, Planning and Budget.

[FR Doc. 2011–3712 Filed 2–17–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Correction of Burden Table.

SUMMARY: The Health Resources and Services Administration published an Agency Information Collection document in the **Federal Register** of

January 31, 2011 (FR Doc. 2011–1997), on page 5389, regarding the Data System for Organ Procurement and Transplantation Network (42 CFR Part 121, OMB No. 0915–0184): Extension. The Burden Table is incorrect.

Correction

In the **Federal Register** issue of January 31, 2011 (FR Doc. 2011–1997), on page 5389, correct the Burden Table as follows:

ESTIMATED ANNUAL REPORTING AND RECORDKEEPING BURDEN

Section and activity	Number of respondents	Responses per respondents	Total responses	Hours per response	Total burden hours
121.3(b)(2) OPTN membership and application requirements	40	3	120	15	1,800
121.3 Application for Non-Institutional Members	20	1	20	10	200
121.3(b)(4) Appeal for OPTN membership	2	1	2	3	6
121.6(c) (Reporting) Submitting criteria for organ acceptance	900	1	900	0.5	450
121.6(c) (Disclosure) Sending criteria to OPOs	900	1	900	0.5	450
121.7(b)(4) Reasons for Refusal	900	38	34,200	0.5	17,100
121.7(f) Transplant to prevent organ wastage	260	1.5	390	0.5	195
121.9(b) Designated Transplant Program Requirements	10	1	10	5.0	50
121.3 Personnel Change Application	324	1	324	10	3,240
121.9(d) Appeal for designation	2	1	2	6	12
Total	954		36,868		23,503

Dated: February 14, 2011.

Reva Harris,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2011–3755 Filed 2–17–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Poison Control Program

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Noncompetitive Replacement Awards to the Research Foundation of SUNY and the New York City Health & Hospitals Corporation.

SUMMARY: HRSA will transfer funds and duties from Kaleida Health and University of Rochester to the Research Foundation of SUNY d.b.a. the Upstate New York Poison Control Center. HRSA will also transfer funds and duties from Winthrop University to the New York City Health & Hospitals Corporation d.b.a. the New York City Poison Control Center. These transfers are necessary in order to maintain poison control services and education efforts throughout the State of New York.

SUPPLEMENTARY INFORMATION:

Former Grantee of Record: Kaleida Health, University of Rochester; and Winthrop University are the three former grantees.

Original Period of Grant Support is from: September 1, 2009 to August 31, 2014.

Replacement awardees: The Research Foundation of SUNY and the New York City Health & Hospitals Corporation are the replacement awardees.

Period of Replacement Awards: The period of support for the replacement awards is January 1, 2011, to August 31, 2011.

Amount of Replacement Awards is as follows:

➢ Kaleida Health d.b.a. the Western New York Poison Center (H4BHS15474) will transfer $78,720 to the Research Foundation of SUNY d.b.a. the Upstate New York Poison Center (H4BHS15475);

➢ University of Rochester d.b.a. the Ruth A. Lawrence Poison and Drug Information Center (H4BHS15476) will transfer approximately $78,820 to the Research Foundation of SUNY d.b.a. the Upstate New York Poison Center (H4BHS15475); and

➢ Winthrop University d.b.a. the Long Island Regional Poison and Drug Information Center (H4BHS15478) will transfer $230,397 to the New York City Health & Hospitals Corporation d.b.a. the New York City Poison Control Center (H4BHS15477).

Authority: Section 1273 of the PHS (42 U.S.C. 300d—73), as amended by Poison Center Support Enhancement and Awareness Act of 2008.

CFDA Number: 93.253.

Justification for the Exception to Competition

The poison centers operated by the Research Foundation of SUNY and the New York City Health & Hospitals Corporation currently provide poison center services to the citizens of New York, 24 hours a day, 7 days a week. These services include telephone treatment advice and consultation about toxic exposures for both the public and health care professionals and toxico and public health surveillance. Educators at the centers provide public education about poison prevention and clinical toxicology training for many different healthcare professionals. The centers also offer programs to help clinicians better manage poisoning and overdose cases that end up in a healthcare facility.

These centers have the capacity to provide poison control service to the areas formerly served by Kaleida Health, University of Rochester, and Winthrop University, ensuring access to critical poison emergency treatment and poison

prevention information statewide, and to fulfill the expectations of the original funded application. These replacement grants will also ensure that there is no delay or gap in poison center services.

The State of New York has determined that the Research Foundation of SUNY and the New York City Health & Hospitals Corporation are the best qualified grantees for this award. On December 13, 2010, the State provided HRSA with a letter designating the two centers as the official poison centers of New York and assigning them specific service areas.

FOR FURTHER INFORMATION CONTACT: Poison Control Program, Director, Elisa Gladstone via e-mail at *EGladstone@hrsa.gov* or via telephone at (301) 594–4394.

Dated: February 14, 2011.

Mary K. Wakefield,

Administrator.

[FR Doc. 2011–3751 Filed 2–17–11; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Function, Integration, and Rehabilitation Sciences Subcommittee.

Date: March 22, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Anne Krey, PhD, Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5b01, Bethesda, MD 20892. 301–435–6908. *ak41o@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–3778 Filed 2–17–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Pediatrics Subcommittee.

Date: March 17, 2011.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Legacy Hotel and Meeting Center, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Rita Anand, PhD, Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892. 301–496–1487. *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 14, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–3776 Filed 2–17–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; R34/T32 HIV and AIDS Applications.

Date: March 9, 2011.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call.)

Contact Person: David M. Armstrong, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6138/MSC 9608, 6001 Executive Boulevard, Bethesda, MD 20892–9608. 301–443–3534.*armstrda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; HIV/AIDS Behavioral Treatment Intervention.

Date: March 9, 2011.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call.)

Contact Person: David M. Armstrong, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6138/MSC 9608, 6001 Executive Boulevard, Bethesda, MD 20892–9608. 301–443–3534. *armstrda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; NIH Summer Research Experience Programs.

Date: March 14, 2011.

Time: 9 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call.)

Contact Person: David M. Armstrong, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6138/MSC 9608, 6001 Executive Boulevard, Bethesda, MD 20892–9608. 301–443–3534. *armstrda@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–3774 Filed 2–17–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders B.

Date: February 24, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

*Contact Pers*on: Ernest W Lyons, PhD, Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529. 301–496–4056. *Lyonse1@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to timing limitations imposed by the review funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group; Neurological Sciences and Disorders A.

Date: March 2, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Argonaut Hotel, 495 Jefferson Street, San Francisco, CA 94109.

Contact Person: Richard D Crosland, PhD, Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529. 301–496–9223. *croslanr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–3770 Filed 2–17–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases Diabetes Mellitus Interagency Coordinating Committee; Notice of Meeting

The Diabetes Mellitus Interagency Coordinating Committee (DMICC) will hold a meeting on March 11, 2011, from 8:30 a.m. to 3:45 p.m. at the Bethesda Marriott Suites, 6711 Democracy Blvd., Bethesda, MD 20817. The meeting will be open to the public from 8:30 a.m. until 2 p.m.; the DMICC will meet in closed session from 2:10 p.m. until 3:45 p.m. Attendance is limited to space available. Non-Federal individuals planning to attend the meeting should notify the Contact Person listed on this notice at least 2 days prior to the meeting. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below at least 10 days in advance of the meeting.

The DMICC facilitates cooperation, communication, and collaboration on diabetes among government entities. DMICC meetings, held several times a year, provide an opportunity for members to learn about and discuss current and future diabetes programs in DMICC member organizations and to identify opportunities for collaboration. The March 11, 2011, DMICC meeting will discuss "Diabetes: A1c/Questions/Diagnosis."

Any member of the public interested in presenting oral comments to the Committee should notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives or organizations should submit a letter of intent, a brief description of the organization represented, and a written copy of their oral presentation in advance of the meeting. Only one representative of an organization will be allowed to present oral comments and presentations will be limited to a maximum of five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the Committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Because of time constraints for the meeting, oral comments will be allowed on a first come, first serve basis.

A registration link and information about the DMICC meeting will be available on the DMICC Web site: *http://www.diabetescommittee.gov.* Members of the public who would like to receive e-mail notification about future DMICC meetings could register on a listserv available on the same Web site.

For further information concerning this meeting contact Dr. Sanford Garfield, Executive Secretary of the Diabetes Mellitus Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 654, MSC 5460, Bethesda, MD 20892–5460, Telephone: 301–594–8803 FAX: 301–402–6271, E-mail: *dmicc@mail.nih.gov.*

Dated: February 14, 2011.

Sanford Garfield,

Executive Secretary, DMICC, Division of Diabetes, Endocrinology and Metabolic Diseases, NIDDK, National Institutes of Health.

[FR Doc. 2011–3765 Filed 2–17–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Advisory Committee on Research on Women's Health.

Date: March 21–22, 2011.

Time: 9 a.m. to 12 p.m.

Agenda: The purpose of the meeting will be for the Committee to provide advice to the Office of Research on Women's Health (ORWH) on appropriate research activities with respect to women's health and related studies to be undertaken by the national research institutes; to provide recommendations regarding ORWH activities; to meet the mandates of the office; and for discussion of scientific issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, Conference Room 10, Bethesda, MD 20892.

Contact Person: Joyce Rudick, Director, Programs & Management, Office of Research on Women's Health, Office of the Director, National Institutes of Health, Building 1, Room 201, Bethesda, MD 20892.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitors vehicles, including taxicabs, hotel and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www4.od.nih.gov/orwh/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–3772 Filed 2–17–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5477–N–07]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: February 10, 2011.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 2011–3408 Filed 2–17–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5300–FA–04]

Announcement of Funding Awards for the Rural Housing and Economic Development Program; Fiscal Year 2009

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for the Rural Housing and Economic Development Program. This announcement contains the names of the awardees and the amounts of the awards made available by HUD.

FOR FURTHER INFORMATION CONTACT: Jackie L. Williams, PhD, Director, Office of Rural Housing and Economic Development, Office of Community Planning and Development, 451 Seventh Street, SW., Room 7137, Washington, DC 20410–7000; telephone (202) 708–2290 (this is not a toll free number). Hearing- and- speech impaired persons may access this number via TTY by calling the Federal Relay Service toll-free at 1–800–877–8339. For general information on this and other HUD programs, call Community Connections at 1–800–998–9999 or visit the HUD Web site at *http://www.hud.gov.*

SUPPLEMENTARY INFORMATION: The Rural Housing and Economic Development program was authorized by the Department of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act of 1999. The competition was announced in the **Federal Register** (FR Doc. E9–10186) on May 4, 2009. Applications were rated and selected for funding on the basis of selection criteria contained in that notice.

The Catalog of Federal Domestic Assistance number for this the Rural Housing and Economic Development program is 14.250. The Rural Housing and Economic Development Program is designed to build capacity at the State and local level for rural housing and economic development and to support innovative housing and economic development activities in rural areas. Eligible applicants are local rural non-profit organizations, community

development corporations, Federally recognized Indian Tribes, State housing finance agencies, and State community and/or economic development agencies. The funds made available under this program were awarded competitively, through a selection process conducted by HUD. Prior to the rating and ranking of this year's applications, Youthbuild McLean County in Bloomington, Illinois, for the Fiscal year 2009 competition, was awarded a total of $300,000.00 as a result of funding errors during the previous year's funding. For the Fiscal year 2009 competition, a total of $25,030,464.75 was awarded to 86 projects nationwide.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987. 42 U.S.C. 3545), the Department is publishing the grantees and amounts of the awards in Appendix A to this document.

Dated: December 17, 2010.

Mercedes Márquez,

Assistant Secretary for Community Planning Development.

Appendix A

FY 2009 Rural Housing and Economic Development Program Grantees

Grantee	State	Amount awarded
Organized Village of Kasaan	AK	$300,000.00
Chilkoot Indian Association	AK	238,000.00
Ketchikan Indian Community	AK	300,000.00
Collaborative Solutions, Inc	AL	300,000.00
Hale Empowerment & Revitalization Organization, Inc	AL	300,000.00
Health Services Center, Inc	AL	300,000.00
Moenkopi Developers Corporation, Inc	AZ	257,280.00
The Primavera Foundation, Inc	AZ	300,000.00
Bik'eh Hozho Community Development Corporation	AZ	298,900.00
International Sonoran Desert Alliance	AZ	300,000.00
Nogales Community Development Corporation	AZ	300,000.00
Hopi Tribe	AZ	299,000.00
Elfrida Citizens Alliance, Inc	AZ	300,000.00
Chicanos Por La Causa, Inc	AZ	300,000.00
Pascua Yaqui Tribe	AZ	300,000.00
Bear River Band of Rohnerville Rancheria	CA	300,000.00
Big Pine Paiute Tribe	CA	300,000.00
Community Assistance Network	CA	300,000.00
Fresno West Coalition for Economic Development	CA	300,000.00
Hoopa Valley Housing Authority	CA	300,000.00
Quechan Tribally Designated Housing Authority	CA	300,000.00
Walking Shield, Inc	CA	300,000.00
Bishop Paiute Tribe	CA	299,640.00
Self-Help Enterprises	CA	300,000.00
Yurok Tribe	CA	300,000.00
Florida Non-Profit Services, Inc	FL	300,000.00
DeSoto County Homeless Coalition	FL	300,000.00
YouthBuild McLean County (YBMC, Inc.)	IL	300,000.00
Kentucky Highlands Investment Corporation	KY	300,000.00
Young Adult Development in Action, Inc. dba YouthBuild Hazard	KY	300,000.00
WestCare Kentucky, Inc	KY	300,000.00
Beattyville Housing and Development Corporation, Inc	KY	150,000.00
Housing Development Alliance, Inc	KY	300,000.00
KCEOC Community Action Partnership	KY	300,000.00
Kentucky River Foothills Development Council, Inc	KY	300,000.00
Partnership Housing, Inc	KY	300,000.00
Macon Ridge Community Development Corporation	LA	300,000.00
Tunica-Biloxi Tribe of Louisiana	LA	242,000.00
NHA Properties, Inc	MA	300,000.00
Global Community Investment Strategies, Inc	MD	300,000.00
Four Directions Development Corporation	ME	298,234.00
Chippewa-Luce-Mackinac Community Action Human Resource Authority, Inc	MI	300,000.00
Grand Traverse Band of Ottawa and Chippewa Indians	MI	293,933.00
Keweenaw Bay Indian Community	MI	300,000.00
Little River Band of Ottawa Indians	MI	238,349.00
Pokagon Band of Potawatomi Indians	MI	300,000.00
Fond du Lac Band of Lake Superior Chippewa	MN	170,000.00
Bois Forte Band of Chippewa	MN	298,073.00
Esther Stewart Buford Foundation	MS	180,000.00
County Housing, Education & Community Services, Inc	MS	300,000.00
Richland Affordable Housing	MT	300,000.00
Blackfeet Tribe	MT	300,000.00
Northern Cheyenne Tribal Housing Authority	MT	200,000.00
North Carolina Housing Finance Agency	NC	300,000.00
Coalition of Indian Housing Authorities in North Dakota	ND	300,000.00
Ho-Chunk Community Development Corporation	NE	298,754.00
High Plains Community Development Corp., Inc	NE	254,855.00
New Mexico Mortgage Finance Authority	NM	300,000.00

FY 2009 RURAL HOUSING AND ECONOMIC DEVELOPMENT PROGRAM GRANTEES—Continued

Grantee	State	Amount awarded
Ohkay Owingeh Housing Authority	NM	300,000.00
Community Area Resource Enterprise	NM	300,000.00
Mescalero Apache Housing Authority	NM	300,000.00
Muscogee (Creek) Nation	OK	300,000.00
Iowa Tribe of Oklahoma	OK	296,496.00
Citizen Potawatomi Community Development Organization	OK	300,000.00
Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians	OR	190,000.00
Allendale County Alive, Inc	SC	300,000.00
Catawba Indian Nation	SC	273,608.75
The Lakota Fund, Inc	SD	300,000.00
Mazaska Owecaso Otipi Financial, Inc	SD	160,000.00
Sicangu Wicoti Awayankapi Corporation	SD	300,000.00
First Nations Oweesta Corporation	SD	1,000,000.00
Buffalo Valley, Inc	TN	300,000.00
West Tennessee Legal Service, Inc	TN	300,000.00
Douglas-Cherokee Economic Authority, Inc	TN	214,038.00
Neighborhood Housing Services of Dimmit County, Inc	TX	300,000.00
Motivation Education & Training, Inc	TX	300,000.00
Upper Rio Grande Workforce Development Board	TX	300,000.00
Proyecto Azteca, Inc	TX	300,000.00
Makah Tribe	WA	300,000.00
Lummi Indian Nation	WA	279,304.00
Spokane Tribe of Indians	WA	300,000.00
Quinault Indian Nation	WA	300,000.00
Neighborhood Housing Services of Richland Center	WI	300,000.00
Lau Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin	WI	300,000.00
Southern Appalachian Labor School	WV	300,000.00
		25,030,464.75

[FR Doc. 2011–3740 Filed 2–17–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–FHC–2011–N013; 94300–1122–0000–Z2]

RIN 1018–AX45

Fisheries and Habitat Conservation and Migratory Birds Programs; Draft Land-Based Wind Energy Guidelines

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability for public comment of draft Wind Energy Guidelines (Guidelines). These draft Guidelines are intended to supersede the Service's 2003 voluntary, interim guidelines for land-based wind development. Additionally, they are intended to respond to accelerated development of land-based, wind energy generation projects in the United States. These draft voluntary Guidelines provide developers and agency staff with an iterative process to make the best possible decisions in selecting sites to avoid and minimize negative effects to fish, wildlife and their habitats resulting from construction, operation and maintenance of land-based, wind energy facilities.

DATES: These voluntary draft Guidelines are effective February 18, 2011. We must receive any comments by the end of the day on May 19, 2011.

ADDRESSES: The draft Guidelines may be downloaded from *http://www.fws.gov/windenergy*. To request a copy of the draft Guidelines by U.S. Mail, write: U.S. Fish and Wildlife Service, 4401 North Fairfax Drive; Room 840, Arlington, VA 22203. You may also send an e-mail request to: *windenergy@fws.gov.* Please specify whether you want to receive a hard copy by U.S. mail or and electronic copy by e-mail. To submit your comments, *see* "Request for Public Comments" under **SUPPLEMENTARY INFORMATION.**

You may submit e-mail comments to *windenergy@fws.gov.* Please include "Wind Energy Guidelines Comments" in the subject line of the message, and your full name and return address in the body of your message. Please note that the e-mail address will be closed when the public comment period closes. Alternatively, you may submit comments or recommendations by mail to: Attention: Wind Energy Guidelines; Division of Fisheries and Habitat Conservation; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Mail Stop 4107; Arlington, VA 22203–1610.

FOR FURTHER INFORMATION CONTACT: Christy Johnson-Hughes, Division of Habitat and Resource Conservation, U.S. Fish and Wildlife Service, Department of the Interior, (703) 358–1922. Individuals who are hearing-impaired or speech-impaired may call the Federal Relay Service at 1–800–877–8337 for TTY assistance, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION: The mission of the U.S. Fish and Wildlife Service is to work with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. As part of this, we are charged with implementing statues including the Endangered Species Act, the Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act. These statutes prohibit taking of Federally listed species, migratory birds and eagles unless otherwise authorized.

Increased energy demands and the nationwide goal to increase energy production from renewable sources have intensified the development of energy facilities, including wind energy. The Service supports renewable energy development that is compatible with fish and wildlife conservation.

These draft Guidelines provide recommendations that are intended to:

(1) Promote compliance with relevant wildlife laws and statutes;

(2) Encourage scientifically rigorous survey, monitoring, assessment, and research designs proportionate to the risk to affected species;

(3) Produce potentially comparable data across the Nation;

(4) Avoid, minimize, and/or compensate for potential adverse effects on fish, wildlife and their habitats; and,

(5) Improve the ability to predict and resolve effects locally, regionally, and nationally.

The Service encourages project proponents to use the process described in these draft *voluntary* Land-based Wind Energy Guidelines (draft Guidelines) to address risks to fish and wildlife resources. The Service anticipates that these draft Guidelines, when used in concert with the appropriate regulatory tools and other existing policies, will provide the best practical approach for conservation of species of Federal trust responsibility. The Service will initiate a peer review of the draft Guidelines during the public comment period.

Background

In July 2003, the Service released for public comment a set of voluntary, interim guidelines for land-based, wind energy projects to assist developers in avoiding, minimizing and/or compensating for effects to fish, wildlife, and their habitats related to land-based, wind energy facilities. Following a 2-year public comment period, and receipt of 25 public comments for the record, in March 2007, the Secretary of the Interior (Secretary) established the Wind Turbine Guidelines Advisory Committee (Committee) under the Federal Advisory Committee Act (5 U.S.C. Appx 2). The Committee submitted final recommendations to the Secretary on March 4, 2010. The Service appreciates all the time and effort that members of the Committee devoted to developing their recommendations. The Service convened an internal working group representing several Service programs to review the Committee Recommendations and used the Recommendations as a basis to develop the Service's draft wind energy Guidelines.

The draft voluntary Guidelines describe the information needed to identify, assess, mitigate, and monitor the potential adverse effects of wind energy projects on fish, wildlife, plants and their habitats, using a consistent and predictable approach, while providing flexibility to accommodate the unique circumstances of each project. The framework within the draft Guidelines is intended to standardize methods and metrics, resulting in greater consistency of information, and aid in understanding future effects of these projects. The framework also helps developers understand how to avoid or minimize effects to certain species, which is important for compliance with a number of laws, including: the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703–711), the Bald and Golden Eagle Protection Act (BGEPA or Eagle Act; 16 U.S.C. 668–668d), and the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*).

The levels of surveying, monitoring, assessing, and collecting other information will vary among different wind-energy projects due to the diverse geographic, climatological, and ecological features of potential wind development sites. Founded upon a "tiered approach" for assessing potential effects to fish, wildlife, and their habitats, the guidelines are intended to promote: Compliance with relevant laws and statutes; the use of scientifically rigorous survey, monitoring, assessment and research designs proportionate to the potential risk to affected species; the accumulation of comparable data across the landscape; the identification of trends and patterns of effects; and, ultimately the improved ability to predict and resolve effects locally, regionally and nationally.

These draft Guidelines are not intended nor shall they be construed to limit or preclude the Service from exercising its authority under any law, statute, or regulation; to limit or preclude the Service from taking enforcement action against any individual, company, or agency; or to relieve any individual, company, or agency of its obligations to comply with any applicable Federal, State, Tribal, or local laws, statutes, or regulations. The methods described in the draft Guidelines are intended to provide information for assessment of effects, as well as information to guide the creation of avoidance, minimization, and compensatory measures. Developers that use and follow the draft Guidelines also demonstrate a good-faith effort to develop and operate projects consistent with the intent of local, Tribal, State, and Federal laws. The Service will regard such voluntary adherence and communication as evidence of due care with respect to avoiding, minimizing, and mitigating significant adverse impacts to species protected under the MBTA and BGEPA.

Comparison of Committee Recommendations With the Resulting Draft Guidelines

The responsibility of the Service is to protect and conserve fish, wildlife, and their habitat (fish and wildlife). With the development of these draft Guidelines, the Service is providing a clear and readily usable path for the protection and conservation of fish and wildlife. Although voluntary, the Service hopes developers will utilize the final Guidelines to reduce the impacts wind energy facilities can have on fish and wildlife, while enabling the Nation to increase its renewable energy portfolio. The Guidelines encourage the wind industry to coordinate early and often with the Service to avoid, minimize, and/or compensate for potential adverse effects on fish, wildlife and their habitats.

As the Service developed these draft Guidelines based on the Committee Recommendations it modified, accentuated, and reduced some sections. The Department has co-equal responsibilities to promote sustainable renewable energy development and conserve wildlife. In the draft Guidelines, the Service addresses issues of utmost importance to meet our conservation goals and conform to statutes, regulations, and policies. The following is an overview of some of the differences between the Recommendations and the draft Guidelines.

Study Duration and Intensity: The Committee Recommendations did not mention specific study duration. The draft Guidelines recommend 3 years for pre-construction studies and 2 years minimum for post-construction studies because these timelines should be of sufficient duration and intensity to ensure adequate data are collected to accurately characterize wildlife use of the area.

Decision Process: The Committee Recommendations noted that the developer makes key decisions. The draft Guidelines recommend that the developer coordinate early and often with the Service when making decisions about when and whether to proceed to the next tier to gain joint understanding of data analysis and project planning.

Implementation: The Committee recommended that the Service delay implementation of the Guidelines for 24 months to account for projects that are in planning or under construction and to have an opportunity for Service and wind industry personnel to learn about them. The draft Guidelines accommodate projects that are in various stages of development, from

early planning to operational. The Service has committed to developing and providing training to practitioners on the final Guidelines to assure uniform interpretation.

Adverse Effect: The Committee Recommendations use a threshold of "significant adverse effect" for those impacts that need to be studied or addressed. The draft Guidelines removed "significant" from the phrase. Because the Service intends to use the term in a manner similar to that described in the Committee Recommendations, the inclusion of the word "significant" would be redundant.

Use of Project Descriptors and Other Terms: The Committee Recommendations used the terms "area of interest," "project area," "project site," "species of concern, and species of fragmentation concern." The draft Guidelines modified the terms to be consistent with Service practices and policies. The terms are now "area of influence, project site, extent of direct effects, extent of indirect effects, affected species, and species sensitive to habitat fragmentation."

Adaptive Management: The Committee Recommendations used Adaptive Management concepts from a variety of sources. The Service uses the Department of the Interior Adaptive Management Handbook.

Noise: The Committee Recommendations do not include a discussion of noise impacts to wildlife. The draft Guidelines include a discussion on noise and incorporates noise in the tier questions based on comments and recommendations received from other Federal agencies.

Habitat Fragmentation: The Committee Recommendations include an extensive discussion on the effects of habitat fragmentation on sage grouse and prairie chickens. The draft Guidelines expanded the discussion to include habitat loss and degradation and moved the sage-grouse-specific discussion to the Service Wind Energy Web site. Extensive species-specific references were moved to the Web site to focus on process.

Tiers 4 and 5: The Committee Recommendations separate post-construction fatality studies into Tier 4 and habitat studies into Tier 5. The draft Guidelines expanded Tier 4 to assure comprehensive fatality monitoring (Tier 4a) and monitoring other effects, including habitat (Tier 4b). We also included in Tier 5 research to address gaps in knowledge, evaluate the effectiveness of best management practices, address questions that exist across multiple projects, and as a component of an adaptive management program.

Mitigation: The Committee Recommendations included a brief discussion of general mitigation considerations. The draft Guidelines include an expanded discussion on mitigation under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act because mitigation may be an important component of site planning for many projects.

Conflict Resolution: The Committee Recommendations identified a specific individual in the Headquarters Office to respond to conflicts. The draft Guidelines modified this to the standard chain of command for the Service because Service policies call for resolving issues at the lowest appropriate level.

Legal White Paper: The Committee Recommendations included a Legal White Paper that discussed statutes, as well as various options such as "bird letters," migratory bird permits, conservation banking and other ideas. The draft Guidelines include a discussion of the Service's legal authorities and statutes.

Web Site

The Service has established a public Web site that will provide support to developers and stakeholders as they use the draft Guidelines. Information on the Web site will be reviewed periodically to ensure that it remains current and applicable. The Web site currently includes: the Committee Recommendations, the Service's 2003 interim wind guidelines, and supporting documents for the draft Guidelines. Future additions to the Web site will include: recommendations on risk assessment tools, survey and monitoring protocols, research designs, applicable policies and regulations, best management practices, best available technologies, recommendations for reducing adverse effects; map-based risk-assessment products, information on buffers and noise effects, and other pertinent literature.

The Web site is still being developed, but the Service welcomes public review and comment of its progress: visit *http://www.fws.gov/windenergy* to review and comment. We also welcome comments on how to improve the applicability of this Web site.

Request for Public Comments

We request comments on the draft Guidelines. We are particularly seeking comments regarding the cost effectiveness of these draft Guidelines for all wind turbines, including community scale operations. All comments we receive by the date specified above in **DATES** will be considered during preparation of the final guidelines. We prefer to receive comments via e-mail, but you may alternately submit your comments by any one of the other methods mentioned above. If you submit your comment by e-mail, please include "Draft Land-Based Wind Energy Guidelines Comments" in the subject line of your message, and your full name and return U.S. mailing address in the body of your message. Please note that e-mail address *windenergy@fws.gov* will be closed when the public comment period closes. We will take into consideration the relevant comments, suggestions, or objections that we receive by the comment due date indicated above in **DATES**. These comments, suggestions, or objections, and any additional information we received, may lead us to adopt final guidelines that differ from these draft Guidelines. Comments merely stating support of or opposition to the draft Guidelines without providing supporting data or rationale are not as helpful.

Public Availability of Comments

Before including your address, phone number, e-mail 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. You can ask us in your comment to withhold your personal identifying information from public review, but we cannot guarantee that we will be able to do so.

As published elsewhere in today's **Federal Register**, the Service is simultaneously soliciting comments on the draft Eagle Conservation Plan Guidance.

Authority: The authorities for this action are the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*); the Migratory Bird Treaty Act of 1918 as amended (16 U.S.C. 703–711); and the Bald and Golden Eagle Protection Act of 1940, as amended, (16 U.S.C. 668–668d).

Dated: January 31, 2011.

Rowan Gould,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2011–3699 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

New Agency Information Collection for Solicitation of Nominations for the Advisory Board for Exceptional Children; Request for Comments

AGENCIES: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Education (BIE) is seeking comments on a proposed collection of information that will allow the BIE to obtain information from individuals on their qualifications to serve on the Advisory Board for Exceptional Children (Advisory Board) under the Individuals with Disabilities Education Improvement Act. The BIE is seeking approval from the Office of Management and Budget (OMB) to collect this information. This notice is not requesting nominations; it is requesting comment on the information the BIE may collect in the future for nominations by a separate **Federal Register** notice.

DATES: Interested persons are invited to submit comments on or before April 19, 2011.

ADDRESSES: You may submit comments on the information collection to Sue Bement, Education Specialist, Bureau of Indian Education, Albuquerque Service Center, Division of Performance and Accountability, P.O. Box 1088, Albuquerque, New Mexico 87103–1088.

FOR FURTHER INFORMATION CONTACT: Sue Bement, Education Specialist, telephone (505) 563–5274.

SUPPLEMENTARY INFORMATION:

I. Abstract

The BIE seeking approval for an information collection that would allow it to collect information regarding individuals' qualifications to serve on the Federal advisory committee known as the Advisory Board for Exceptional Children. This information collection would require persons interested in being nominated to serve on the Advisory Board to provide information regarding their qualifications. A Membership Nomination Form would also be part of the information collection.

The Individuals with Disabilities Education Improvement Act (IDEA) of 2004, (20 U.S.C. 1400 *et seq.*) requires the BIE to establish an Advisory Board on Exceptional Education. *See* 20 U.S.C 1411(h)(6). Advisory Board members shall serve staggered terms of 2 years or 3 years from the date of their appointment. This Advisory Board is currently in operation; this information collection will allow the BIE to better manage the nomination process for future appointments to the Advisory Board.

II. Request for Comments

The BIE requests that you send your comments on this collection to the location listed in the **ADDRESSES** section. Your comments should address: (a) The necessity of the information collection for the proper performance of the agencies, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or conduct, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section during the hours of 9 a.m.—5 p.m., Eastern Time, Monday through Friday except for legal holidays. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–NEW.

Title: Solicitation of Nominations for the Advisory Board for Exceptional Children.

Brief Description of Collection: Submission of this information allows the BIE to review the qualifications of individuals seeking nomination to the Advisory Board for Exceptional Children under the Individuals with Disabilities Education Improvement Act. The information collection includes a Membership Nomination Form and requests information on qualifications, experience, and expertise on the education of Indian children with disabilities. Response is required to obtain a benefit.

Type of Review: Proposed information collection.

Respondents: Individuals.

Number of Respondents: 30 per year, on average.

Total Number of Responses: 30 per year, on average.

Frequency of Response: Once.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden: 30 hours.

Dated: February 9, 2011.

Alvin Foster,

Acting Chief Information Officer—Indian Affairs.

[FR Doc. 2011–3742 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proclaiming Certain Lands, Reykers Acquisition, as an Addition to the Bay Mills Indian Reservation for the Bay Mills Indian Community of Michigan

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Reservation Proclamation.

SUMMARY: This notice informs the public that the Assistant Secretary—Indian Affairs proclaimed approximately 25 acres, more or less, to be added to the Bay Mills Indian Reservation for the Bay Mills Indian Community of Michigan.

FOR FURTHER INFORMATION CONTACT: Ben Burshia, Bureau of Indian Affairs, Division of Real Estate Services, Mail Stop 4639–MIB, 1849 C Street, NW., Washington, DC 20240, telephone (202) 208–7737.

SUPPLEMENTARY INFORMATION: This Notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according with Section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), for the land described below. The land was proclaimed to be an addition to the Bay Mills Indian Reservation and part of the Bay Mills Indian Community of Michigan for the exclusive use of Indians on that Reservation who are entitled to reside at the Reservation by enrollment or Tribal membership.

Bay Mills Indian Community Reservation, Reykers Acquisition, Michigan Meridian, Township of Bay Mills, Chippewa County, Michigan.

Part of the Northwest One Quarter (NE ¼) of the Northeast One Quarter (NE ¼) of Section 30, Township 47 North, Range 2 West, Michigan Meridian, lying west of the centerline of the County Road known as Lakeshore Drive (25 acres).

The above-described lands contain a total of 25 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the land described above, nor does it affect any valid existing easements for public roads and highways, public utilities and for railroads and pipelines and any other rights-of-way or reservations of record.

Dated: January 20, 2011.

Larry Echo Hawk,

Assistant Secretary—Indian Affairs.

[FR Doc. 2011–3741 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZ910000.L14300000.ET0000. LXSIURAM0000 241A; AZA 035138]

Notice of Availability of the Draft Northern Arizona Proposed Withdrawal Environmental Impact Statement and Revisions to the Withdrawal Application, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) for the Northern Arizona Proposed Withdrawal and with this notice is announcing the opening of the comment period.

DATES: To ensure comments will be considered, the BLM must receive written comments on the Northern Arizona Proposed Withdrawal Draft EIS within 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Northern Arizona Proposed Withdrawal Draft EIS by any of the following methods:

- *E-mail: NAZproposedwithdrawal@azblm.org.*
- *Mail:* Northern Arizona Proposed Withdrawal Project, ATTN: Scott Florence, District Manager, Bureau of Land Management, Arizona Strip District Office, 345 East Riverside Drive, St. George, Utah 84790–6714.

FOR FURTHER INFORMATION CONTACT: Chris Horyza, Project Manager, telephone 602–417–9446; address Bureau of Land Management, Arizona State Office, One N Central Ave., Suite 800, Phoenix Arizona 85004; e-mail *chris_horyza@blm.gov.*

SUPPLEMENTARY INFORMATION: On July 21, 2009, the Department of the Interior published notice of the Secretary of the Interior's (Secretary) proposal to withdraw (proposed withdrawal) approximately 1 million acres of National Forest System lands and public lands in northern Arizona from location and entry under the Mining Law of 1872, (30 U.S.C. 22–54) (Mining Law), subject to valid existing rights. The purpose of the withdrawal, if determined to be appropriate, would be to protect the Grand Canyon watershed from adverse effects of locatable hardrock mineral exploration and mining.

Under section 204 of the Federal Land Policy and Management Act (FLPMA), publication of the **Federal Register** notice of the proposed withdrawal had the effect of segregating the lands involved for up to 2 years from the location and entry of new mining claims, subject to valid existing rights, during which time the BLM will complete an analysis of the proposed withdrawal. The notice temporarily segregated the following described lands:

Gila and Salt River Meridian

Tps. 28 to 31 N., R. 1 E.,
Tps. 40 and 41 N., R. 1 E.,
Tps. 28 to 30 N., R. 2 E.,
Tps. 27 to 30 N., Rs. 3 to 6 E.,
Tps. 37 to 40 N., R. 3 E.,
Tps. 36 and 37 N., Rs. 4 and 5 E.,
T. 38 N., Rs. 3 to 5 E.,
T. 37 N., R. 6 E.,
Tps. 38 and 39 N., R. 6 E.,
Tps. 39 and 40 N., R. 7 E.,
T. 31 N., R. 1 W.,
Tps. 38 to 41 N., R. 1 W.,
Tps. 38 to 40 N., R. 2 W.,
Tps. 36 to 40 N., R. 3 W.,
Tps. 35 to 40 N., Rs. 4 and 5 W.,
Tps. 35 to 39 N., Rs. 6 and 7 W.

For more detailed information, refer to the map dated September 17, 2010, posted on the Internet at *http://www.blm.gov/az/st/en/prog/mining/timeout.html.* This map is also on file at the Arizona Strip District Office at the address below and can be viewed there upon request.

The Northern Arizona Proposed Withdrawal Draft EIS, now available for public review, has been prepared in accordance with NEPA.

Copies of the Northern Arizona Proposed Withdrawal Draft EIS are available in the BLM Arizona Strip District Office, 345 East Riverside Dr., St. George, Utah 84790.

Copies can also be found at:

BLM Arizona State Office at One N. Central, Suite 800, Phoenix, Arizona 85004;
BLM Phoenix District, 21605 N. 7th Ave., Phoenix, Arizona 85027;
BLM Utah State Office, 440 W. 200 S, Suite 500, Salt Lake City, Utah 84145;
USFS Tonto National Forest, 2324 E. McDowell Rd., Phoenix, Arizona 85006;
USFS Kaibab National Forest, 800 S. 6th St., Williams, Arizona 86046;
USFS Kaibab National Forest, 430 S. Main St., Fredonia, Arizona 86022; and
USFS Coconino National Forest, 1824 S. Thompson St., Flagstaff, Arizona 86001.

In addition, the EIS can be viewed at libraries in the following locations:

Wiliams Public Library, 113 1st Street, Williams, Arizona 86046; and
Fredonia Public Library, 118 N. Main St., Fredonia, Arizona 86022.

You may also access the document on the Internet at:

http://www.blm.gov/az/st/en/prog/mining/timeout.html

The Proposed Action analyzed in the Draft EIS is the withdrawal of 1,010,776 acres near Grand Canyon National Park from location and entry under the Mining Law for a period of 20 years, subject to valid existing rights. The lands included in the proposed action include those managed by the BLM and managed by the U.S. Forest Service and are located within portions of the Grand Canyon watershed. These lands contain significant environmental and cultural resources, including the nearby iconic Grand Canyon National Park, as well as substantial uranium deposits. The importance of the management of these resources has generated much public and Congressional interest. Public scoping for this project began on August 26, 2009 (74 FR 43152–43153), with publication of a Notice of Intent in the **Federal Register**, and closed on October 30, 2009. During that time 83,525 comment letters were received. Important issues identified during scoping include:

- Change in geologic conditions and availability of uranium resources;
- Dewatering of perched aquifers and changes in water availability in deep

aquifers;

• Contamination of both ground and surface water;

• Effects to endangered, threatened, and special status plants and animal species;

• Visual intrusions to Grand Canyon National Park visitors;

• Noise disruptions to Grand Canyon National Park visitors;

• Effects to cultural resources and Traditional Cultural Properties;

• Potential public health effects due to exposure to uranium; and

• Effects to the local, regional, or national economy.

The Draft EIS considers these issues in its analysis of four alternatives. Alternative A is the No Action Alternative, under which no lands would be withdrawn and mineral exploration and mining would continue throughout the proposed withdrawal area in accordance with existing regulations and land use plans. Alternative B, which is the Proposed Action, is a Secretarial withdrawal for 20 years, subject to valid existing rights, of approximately 1,010,776 acres in three parcels from location and entry under the Mining Law, but not the mineral leasing, geothermal leasing, mineral materials, or public land laws. Two of the three parcels are north of the Grand Canyon National Park on BLM-managed Arizona Strip lands and the North Kaibab Ranger District of the Kaibab National Forest, and the remaining parcel is south of the Grand Canyon on the Tusayan Ranger District of the Kaibab National Forest. Alternative C is a Secretarial withdrawal of approximately 652,986 acres from the Mining Law for 20 years, subject to valid existing rights. This alternative would withdraw the largest contiguous area identified on resource location maps with concentrations of cultural, hydrologic, recreational, visual, and biological resources which could be adversely affected by additional locatable mineral exploration and mining. Alternative D is a Secretarial withdrawal of 300,681 acres from the Mining Law for 20 years, subject to valid existing rights. This alternative would withdraw the contiguous area identified on resource location maps where there is the highest concentration of overlapping cultural, hydrologic, recreational, visual, and biological resources, which could be adversely affected by additional locatable mineral exploration and mining.

The Draft EIS analyzes the potential effects of the alternatives on resources within, and in the vicinity of, the potential withdrawal areas as well as within, and in the vicinity of, the Grand Canyon National Park. Analyses have been conducted for potential effects to air quality, geology and minerals, ground and surface water resources, soil resources, vegetation resources, fish and wildlife in general, special status plant and animal species including those listed as threatened or endangered, visual resources, soundscapes, cultural resources, American Indian resources, wilderness, recreation, social, and economic conditions.

Thirteen agencies and two American Indian Tribes have entered into Cooperating Agency agreements with the BLM, including the U.S. Forest Service, Kaibab National Forest; the National Park Service, Grand Canyon National Park; the U.S. Fish and Wildlife Service; the U.S. Geological Survey; the Arizona Game and Fish Department; the Arizona Geological Survey; the Arizona Department of Mines and Mineral Resources; the Arizona State Lands Department; the Hualapai Tribe; the Kaibab Band of Paiute Indians; Coconino County, Arizona; Mohave County, Arizona; Kane County, Utah; San Juan County, Utah; and Washington County, Utah.

Please note that public comments and information submitted, including names, street addresses, and e-mail addresses of persons who submit comments, will be available for public review and disclosure at the Arizona Strip District Office address given above during regular business hours (7:30 a.m. to 4 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, e-mail 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.

Authority: 40 CFR 1506.6 and 1506.10.

James G. Kenna,

Arizona State Director.

[FR Doc. 2011–3714 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV912000 L16400000.PH0000 LXSS006F0000 261A; 11–08807; MO# 4500020045; TAS: 14X1109]

Notice of Public Meetings: Sierra Front Northwestern Basin Resource Advisory Council, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Sierra Front-Northwestern Great Basin Resource Advisory Council (RAC) will meet in Carson City, Nevada and Gerlach, Nevada. The meetings are open to the public.

DATES AND TIMES: March 30–31, 2011, at the BLM Carson City District Office, 5665 Morgan Mill Road, Carson City, Nevada, and June 15–17, 2011, at Bruno's Country Club Café, 445 Main Street, Gerlach, Nevada, with an overnight field trip to Soldier Meadow Ranch north of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA). Approximate meeting times are 9 a.m. to 5 p.m. and will include a general public comment period, tentatively scheduled for 4 p.m. on March 30 and 11 a.m. on June 15, unless otherwise listed in the final meeting agenda that will be available two weeks prior to each meeting. Field trips will be conducted as part of each two-day meeting.

FOR FURTHER INFORMATION CONTACT: Mark Struble, (775) 885–6107, E-mail: *mstruble@blm.gov.*

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Nevada. Topics for discussion will include, but are not limited to: District Manager's reports on current program of work, Southern Nevada Public Land Management Act Round 12 review of R12 proposals and RAC-hosted public comment, landscape approach/land health assessment processes, impacts to proposed wind energy projects in eagle habitat, BLM wildlands policy, geothermal program review, Salt Wells Energy Projects Draft Environmental Impact Statement, field tour of ENEL Geothermal Power Plant at Salt Wells (Churchill County), Nevada

Historic Marker Dedication for Pony Express Trail at ENEL Plant, LiDAR (Optical Remote-Sensing Technology) Virtual Tour of Hidden Cave, Hidden Cave and Grimes Point archaeological field tour, proposed Winnemucca Resource Management Plan/Final Environmental Impact Statement, drought issues related to springs/water sources for wild horses, livestock and wildlife, tour of new Black Rock NCA facility in Gerlach, Ruby Pipeline field visit, Trego Hot Springs field visit, and other topics that may be raised by RAC members.

The final agendas with any additions/corrections to agenda topics, locations, field trips and meeting times, will be posted on the BLM Web site at: *http://www.blm.gov/nv/st/en/res/resource_advisory/sierra_front-northwestern.html,* and sent to the media at least 14 days before the meeting. Individuals who need special assistance such as sign language interpretation or other reasonable accommodations, or who wish to receive a copy of each agenda, should contact Mark Struble at 775–885–6107 no later than one week before the start of each meeting.

Dated: February 14, 2011.

Christopher J. McAlear,

Carson City District Manager, (RAC Designated Federal Official).

[FR Doc. 2011–3704 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000.L14200000 BJ0000]

Notice of Stay of Filing of Plat; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Stay of Filing of Plat.

SUMMARY: On Monday, December 13, 2010, the Bureau of Land Management (BLM), published a Notice of Filing of Plats in the **Federal Register** (75 FR 77659–77660) declaring the intent to file certain plats on Friday, February 11, 2011. The BLM Colorado State Office is publishing this notice to inform the public that the proposed filing of the plat and field notes of the dependent resurvey and surveys in Township 9 South, Range 93 West, Sixth Principal Meridian, Colorado accepted on August 5, 2010 is hereby postponed in order to extend the period of time for interested parties to communicate with the BLM regarding this proposed filing and to extend the period of time for interested parties to protest this action.

DATES: Unless there are protests of this action, the filing of the plat described in this notice will happen on July 31, 2011.

ADDRESSES: BLM Colorado State Office, Cadastral Survey, 2850 Youngfield Street, Lakewood, Colorado 80215–7093.

FOR FURTHER INFORMATION CONTACT: Randy Bloom, Chief Cadastral Surveyor for Colorado, (303) 239–3856.

SUPPLEMENTARY INFORMATION: If a protest of this dependent resurvey is received prior to the date of the official filing, the official filing will be stayed pending consideration of the merits of the protest. This particular plat will not be officially filed until after all protests have been accepted or dismissed and become final.

Randy Bloom,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 2011–3705 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Final Environmental Impact Statement, Cedar Creek and Belle Grove National Historic Park, VA

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Availability of the Final Environmental Impact Statement for General Management Plan, Cedar Creek and Belle Grove National Historical Park.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of the Final Environmental Impact Statement for the General Management Plan (Final GMP/EIS) for Cedar Creek and Belle Grove National Historical Park, Virginia. When approved, the plan will provide guidance to park management for administration, development, and interpretation of park resources over the next 20 years.

The Final GMP/EIS responds to, and incorporates, agency and public comments received on the Draft GMP/EIS, which was available for public and agency review from November 28, 2008 through February 26, 2009. Copies of the Draft EIS/GMP were available at the park office, by request, and on the NPS Planning, Environment, and Public Comment Web site (*http://parkplanning.nps.gov/cebegmp*). Public meetings were held on January 28 and 29 and February 4, 2009. Agency and public comments with NPS responses are provided as Appendix E and F, respectively of the Final GMP/EIS.

DATES: The NPS will prepare a Record of Decision (ROD) no sooner than 30 days following publication by the Environmental Protection Agency of the Notice of Availability of the Final GMP/EIS in the **Federal Register**.

ADDRESSES: The document will be available for public review and comment online at *http://parkplanning.nps.gov/cebegmp.* Requests for a hard copy or an electronic copy on CD may be made by contacting the park at (540) 868–9176.

FOR FURTHER INFORMATION CONTACT: Diann Jacox, Superintendent, Cedar Creek and Belle Grove National Historical Park, 7718½; Main Street, Middletown, Virginia 22645, (540) 868–9176.

SUPPLEMENTARY INFORMATION: Consistent with Federal laws, regulations, and National Park Service policies, the Final GMP/EIS describes and analyzes the environmental impact of four alternatives (A–D) to guide the development and future management of the National Historical Park. *Alternative A* (Continuation of Current Management) focuses on sites owned, managed, and interpreted by Key Partners, with the NPS providing technical assistance and national visibility. This alternative provides a baseline evaluation of the existing resource conditions, facilities, and management at Cedar Creek and Belle Grove National Historical Park.

Under *Alternative B,* visitors would experience the park at sites owned by the Key Partners and through electronic media and NPS ranger led tours and programs. Visitors would access the park via auto-touring routes, and a few non-motorized trails located primarily on Key Partner properties. The primary role NPS would be to provide interpretive programs and technical assistance. The Key Partners would have the primary responsibility for land and resource protection. There would be increased coordination among the NPS and Key Partners, with the NPS serving as a coordinator for land and resource protection.

Under *Alternative C,* visitors would experience the park at a NPS-developed and managed visitor center and at visitor focal areas owned and managed by the NPS and the Key Partners. The NPS and the Key Partners would coordinate interpretive programs at these sites. Visitors would access the

park via auto-touring routes and a system of non-motorized trails that provides opportunities for interpretation. The NPS and the Key Partners would develop a coordinated land protection plan focused on protection of key historic sites that would become focal areas. The NPS and the Key Partners would develop formal agreements to undertake special projects and general park management.

Alternative D is the NPS preferred alternative. Under this alternative, visitors would experience the park at a NPS-developed and managed visitor center and at visitor focal areas owned and managed by the NPS and the Key Partners. The NPS and the Key Partners would coordinate interpretive programs at these sites. Visitors would access the park via auto-touring routes and an extensive system of non-motorized trails that provides opportunities for interpretation and recreation, that connect focal areas, and tie to communities and resources outside the park. The NPS and the Key Partners would develop a coordinated land protection plan focused on protection of cultural landscapes, sensitive natural resource areas, and lands providing connections between NPS and Key Partner properties.

Dennis R. Reidenbach,

Regional Director, Northeast Region, National Park Service.

[FR Doc. 2011–3266 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–AR–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science has completed an inventory of human remains, in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the remains and any present-day Tribe. Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains may contact the museum. Disposition of the human remains to the Tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian Tribe that believes it has a cultural affiliation with the human remains should contact the museum at the address below by March 21, 2011.

ADDRESSES: Any Tribe that believes it has a cultural affiliation with the human remains should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378.

SUPPLEMENTARY INFORMATION:

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Denver Museum of Nature & Science, Denver, CO. The human remains were removed from an unknown location in Wyoming.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Denver Museum of Nature & Science professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Flandreau Santee Sioux Tribe of South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California; Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band); Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Community, Minnesota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Yankton Sioux Tribe of South Dakota; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada (hereinafter referred to as "The Tribes").

History and Description of the Remains

Between 1867 and 1870, human remains representing a minimum of one individual were obtained from an unknown location, possibly near Ft. Fetterman, in Wyoming. In 1982, the human remains were donated to the Denver Museum by Linda Stebbins and Mark Andrews, who obtained them from Charles D. Cobb. The human remains were accessioned into the collections (A1224.3 (CUI 22)). The remains consist of 10 inches of black human hair and scalp. The edge of the scalp has been perforated and laced with sinew. No known individual was identified. No associated funerary objects are present.

Determinations Made by the Denver Museum

- Based on non-destructive physical analysis and catalogue records, the human remains are determined to be Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

• According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Flandreau Santee Sioux Tribe of South Dakota; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California; Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Te-Moak Tribe of Western Shoshone Indians of Nevada; Upper Sioux Community, Minnesota; Yankton Sioux Tribe of South Dakota; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada.

• Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Flandreau Santee Sioux Tribe of South Dakota; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California; Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Te-Moak Tribe of Western Shoshone Indians of Nevada; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Community, Minnesota; Yankton Sioux Tribe of South Dakota; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada.

• Other credible lines of evidence, including consultation with Tribal representatives, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; and Yankton Sioux Tribe of South Dakota.

• Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of one individual of Native American ancestry.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains is to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains or any other Indian Tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378, before March 21, 2011. Disposition of the human remains to The Tribes may proceed after that date if no additional requestors come forward.

The Denver Museum of Nature & Science is responsible for notifying The Tribes that this notice has been published.

Dated: February 15, 2011.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2011–3763 Filed 2–17–11; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science has completed an inventory of human remains, in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the remains and any present-day Tribe. Representatives of any Indian Tribe that

believes itself to be culturally affiliated with the human remains may contact the museum. Disposition of the human remains to the Tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian Tribe that believes it has a cultural affiliation with the human remains should contact the museum at the address below by March 21, 2011.

ADDRESSES: Any Tribe that believes it has a cultural affiliation with the human remains should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Denver Museum of Nature & Science, Denver, CO. The human remains were removed from Brewster County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Denver Museum of Nature & Science professional staff in consultation with representatives of the Apache Tribe of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; Tonkawa Tribe of Indians of Oklahoma; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Ysleta Del Sur Pueblo of Texas (hereinafter referred to as "The Tribes").

History and Description of the Remains

In 1940, George McFadden removed human remains representing a minimum of two individuals from a burial context at an unknown cave site in the Big Bend Rio Grande Area, Brewster County, TX. At an unknown date, Carl Fisher purchased the remains from the son-in-law of George McFadden. In 1983, the remains were donated to the Denver Museum and accessioned into the collections (A1463.87, A1463.101A–C, and A1463.113 (CUI 57); and A1463.111A–C and A1463.113 (CUI 58)). The remains consist of various pieces of human hair. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Denver Museum

- Based on non-destructive physical analysis and catalogue records, the human remains are determined to be Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Multiple lines of evidence, including treaties, Acts of Congress, Executive Orders, consultation, and other credible lines of evidence indicate that the Native American human remains were removed from the aboriginal land of the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Ysleta Del Sur Pueblo of Texas.
- Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains is to the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Ysleta Del Sur Pueblo of Texas.

Additional Requestors and Disposition

Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains or any other Indian Tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378, before March 21, 2011. Disposition of the human remains to the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Ysleta Del Sur Pueblo of Texas, may proceed after that date if no additional requestors come forward.

The Denver Museum of Nature & Science is responsible for notifying The Tribes that this notice has been published.

Dated: February 15, 2011.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2011–3760 Filed 2–17–11; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science has completed an inventory of human remains, in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the remains and any present-day Tribe. Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains may contact the museum. Disposition of the human remains to the Tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian Tribe that believes it has a cultural affiliation with the human remains should contact the museum at the address below by March 21, 2011.

ADDRESSES: Any Tribe that believes it has a cultural affiliation with the human remains should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the

Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Denver Museum of Nature & Science, Denver, CO. The human remains were removed from an unknown location in the Great Plains.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Denver Museum of Nature & Science professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Caddo Nation of Oklahoma; Cherokee Nation, Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chickasaw Nation, Oklahoma; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Choctaw Nation of Oklahoma; Citizen Potawatomi Nation, Oklahoma; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Death Valley Timbi-Sha Shoshone Band of California; Delaware Nation, Oklahoma; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Eastern Band of Cherokee Indians of North Carolina; Ely Shoshone Tribe of Nevada; Flandreau Santee Sioux Tribe of South Dakota; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Fort Sill Apache Tribe of Oklahoma; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Jicarilla Apache Nation, New Mexico; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Miami Tribe of Oklahoma; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Minnesota Chippewa Tribe, Minnesota; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation, Oklahoma; Nez Perce Tribe, Idaho; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Ohkay Owingeh, New Mexico; Omaha Tribe of Nebraska; Osage Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ottawa Tribe of Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Poarch Band of Creek Indians of Alabama; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band of Potawatomi Nation, Kansas; Prairie Island Indian Community in the State of Minnesota; Pueblo of Cochiti, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Quapaw Tribe of Indians, Oklahoma; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians of Michigan; Seminole Nation of Oklahoma; Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations); Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Shakopee Mdewakanton Sioux Community of Minnesota; Shawnee Tribe, Oklahoma; Shoshone Tribe of the Wind River Reservation, Wyoming; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band); Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Tonawanda Band of Seneca Indians of New York; Tonto Apache Tribe of Arizona; Turtle Mountain Band of Chippewa Indians of North Dakota; United Keetoowah Band of Cherokee Indians in Oklahoma; Upper Sioux Community, Minnesota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; White Earth Band of the Minnesota Chippewa Tribe, Minnesota; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Winnebago Tribe of Nebraska; Wyandotte Nation, Oklahoma; Yankton Sioux Tribe of South Dakota; and the Zuni Tribe of the Zuni Reservation, New Mexico (hereinafter referred to as "The Tribes").

History and Description of the Remains

In 1959, Francis and Mary Crane purchased human remains representing a minimum of one individual from Kohlberg's Antiques and Indian Arts, in Denver, CO. In 1972, the human remains were donated by Mr. and Mrs. Crane and accessioned into the collections (AC.4224 (CUI 21)). The

remains include a scalp lock with black hair, approximately 16 inches long, and one quarter of an inch wide. The upper end of the scalp lock is covered with sinew, yellow dyed deerskin, and tufts of red feather. No known individual was identified. No associated funerary objects are present.

In 1956, Francis and Mary Crane purchased human remains representing a minimum of one individual from Kohlberg's Antiques and Indian Arts. The remains were reportedly a part of the George A. Cuneo Collection of Southwestern and Plains Indian objects collected in the late 19th and early 20th centuries. In 1983, the human remains were donated by Mr. and Mrs. Crane and accessioned into the collections (AC.35D (CUI 23)). The remains include seven inches of black and grey hair and scalp with traces of red pigment and a row of perforations along one edge of it. No known individual was identified. No associated funerary objects are present.

Determinations Made by the Denver Museum

Officials of the Denver Museum of Nature & Science have determined that:

- Based on non-destructive physical analysis and catalogue records, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Caddo Nation of Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Citizen Potawatomi Nation, Oklahoma; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Flandreau Santee Sioux Tribe of South Dakota; Forest County Potawatomi Community, Wisconsin; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Fort Sill Apache Tribe of Oklahoma; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Nez Perce Tribe, Idaho; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Osage Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band of Potawatomi Nation, Kansas; Prairie Island Indian Community in the State of Minnesota; Quapaw Tribe of Indians, Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Tonto Apache Tribe of Arizona; Upper Sioux Community, Minnesota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Winnebago Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota.
- Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Absentee-Shawnee Tribe of Indians of Oklahoma; Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California; Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Caddo Nation of Oklahoma; Cherokee Nation, Oklahoma; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chickasaw Nation, Oklahoma; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Choctaw Nation of Oklahoma; Citizen Potawatomi Nation, Oklahoma; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Death Valley Timbi-Sha Shoshone Band of California; Delaware Nation, Oklahoma; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Eastern Band of Cherokee Indians of North Carolina; Ely Shoshone Tribe of Nevada; Flandreau Santee Sioux Tribe of South Dakota; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Fort Sill Apache Tribe of Oklahoma; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Jicarilla Apache Nation, New Mexico; Kaw Nation, Oklahoma; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower

Sioux Indian Community in the State of Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Miami Tribe of Oklahoma; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Minnesota Chippewa Tribe, Minnesota; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation, Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Nottawaseppi Huron Band of the Potawatomi, Michigan; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Osage Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Ottawa Tribe of Oklahoma; Pawnee Nation of Oklahoma; Peoria Tribe of Indians of Oklahoma; Poarch Band of Creek Indians of Alabama; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band of Potawatomi Nation, Kansas; Prairie Island Indian Community in the State of Minnesota; Quapaw Tribe of Indians, Oklahoma; Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Santee Sioux Nation, Nebraska; Sault Ste. Marie Tribe of Chippewa Indians of Michigan; Seminole Nation of Oklahoma; Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations); Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Shakopee Mdewakanton Sioux Community of Minnesota; Shawnee Tribe, Oklahoma; Shoshone Tribe of the Wind River Reservation, Wyoming; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Sokaogon Chippewa Community, Wisconsin; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Spirit Lake Tribe, North Dakota; St. Croix Chippewa Indians of Wisconsin; Standing Rock Sioux Tribe of North & South Dakota; Te-Moak Tribe of Western Shoshone Indians of Nevada; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Tonawanda Band of Seneca Indians of New York; Tonto Apache Tribe of Arizona; Turtle Mountain Band of Chippewa Indians of North Dakota; United Keetoowah Band of Cherokee Indians in Oklahoma; Upper Sioux Community, Minnesota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; White Earth Band of the Minnesota Chippewa Tribe, Minnesota; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Winnebago Tribe of Nebraska; Wyandotte Nation, Oklahoma; and Yankton Sioux Tribe of South Dakota.

- Other credible lines of evidence, including consultation with Tribal representatives, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Choctaw Nation of Oklahoma; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Flandreau Santee Sioux Tribe of South Dakota; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Fort Sill Apache Tribe of Oklahoma; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kiowa Indian Tribe of Oklahoma; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Menominee Indian Tribe of Wisconsin; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Muscogee (Creek) Nation, Oklahoma; Nez Perce Tribe, Idaho; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Ohkay Owingeh, New Mexico; Omaha Tribe of Nebraska; Osage Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Band of Potawatomi Nation, Kansas; Pueblo of Cochiti, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Quapaw Tribe of Indians, Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Shoshone Tribe of the Wind River Reservation, Wyoming; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Community, Minnesota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; White Earth Band of the Minnesota Chippewa Tribe, Minnesota; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Yankton Sioux Tribe of South Dakota; and the Zuni Tribe of the Zuni Reservation, New Mexico.

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains is to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains or any other Indian Tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378 by March 21, 2011. Disposition of the human remains to The Tribes may proceed after that date if no additional requestors come forward.

The Denver Museum of Nature & Science is responsible for notifying The Tribes that this notice has been published.

Dated: February 15, 2011.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2011–3757 Filed 2–17–11; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science has completed an inventory of human remains, in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the remains and any present-day Tribe. Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains may contact the museum. Disposition of the human remains to the Tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian Tribe that believes it has a cultural affiliation with the human remains should contact the museum at the address below by March 21, 2011.

ADDRESSES: Any Tribe that believes it has a cultural affiliation with the human remains should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Denver Museum of Nature & Science, Denver, CO. The human remains were removed from an unknown location in Colorado.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Denver Museum of Nature & Science professional staff in consultation with representatives of the Apache Tribe of Oklahoma; Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes); Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California; Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Pawnee Nation of Oklahoma; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; San Juan Southern Paiute Tribe of Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Standing Rock Sioux Tribe of North & South Dakota; Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band); Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Yomba Shoshone Tribe of the Yomba Reservation, Nevada; Ysleta Del Sur Pueblo of Texas; and the Zuni Tribe of the Zuni Reservation, New Mexico (hereinafter referred to as "The Tribes").

History and Description of the Remains

At an unknown date, human remains representing a minimum of one individual were removed from a burial context at an unknown location in Colorado. In 1975, the human remains were accessioned into the collections (A1986.1 (CUI 14)). The remains include fragmentary cranial remains of one adult of indeterminate sex. No known individual was identified. No associated funerary objects are present.

Determinations Made by the Denver Museum

- Based on non-destructive physical analysis and catalogue records, the human remains are determined to be Native American.
- Pursuant to 25 U.S.C. 3001(2), that a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgment of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Jicarilla Apache Nation, New Mexico; Kiowa Indian Tribe of Oklahoma; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California; Paiute-Shoshone

Indians of the Lone Pine Community of the Lone Pine Reservation, California; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Te-Moak Tribe of Western Shoshone Indians of Nevada; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada.

• Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Death Valley Timbi-Sha Shoshone Band of California; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Ely Shoshone Tribe of Nevada; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California; Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Te-Moak Tribe of Western Shoshone Indians of Nevada; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada.

• Other credible lines of evidence, including consultation with Tribal representatives, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah; Pawnee Nation of Oklahoma; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; San Juan Southern Paiute Tribe of Arizona; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Ysleta Del Sur Pueblo of Texas; and the Zuni Tribe of the Zuni Reservation, New Mexico.

• Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of one individual of Native American ancestry.

• Pursuant to 43 CFR 10.11(c)(1),t the disposition of the human remains is to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains or any other Indian Tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378, before March 21, 2011. Disposition of the human remains to The Tribes may proceed after that date if no additional requestors come forward.

The Denver Museum of Nature & Science is responsible for notifying The Tribes that this notice has been published.

Dated: February 15, 2011.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2011–3764 Filed 2–17–11; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science has completed an inventory of human remains, in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the remains and any present-day Tribe. Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains may contact the museum. Disposition of the human remains to the Tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian Tribe that believes it has a cultural affiliation with the human remains should contact the museum at the address below by March 21, 2011.

ADDRESSES: Any Tribe that believes it has a cultural affiliation with the human remains should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378.

SUPPLEMENTARY INFORMATION:

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Denver Museum of Nature & Science, Denver, CO. The human remains and associated funerary objects were removed from Adams, Crowley, Huerfano, Jefferson, Kiowa, Las Animas and Weld Counties, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects from eastern Colorado was made by the Denver Museum of Nature & Science professional staff in consultation with representatives of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kiowa Indian Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Ohkay Owingeh, New Mexico; Paiute Indian Tribe of Utah; Pawnee Nation of Oklahoma; Prairie Island Indian Community in the State of Minnesota; Pueblo of Cochiti, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Shoshone Tribe of the Wind River Reservation, Wyoming; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; Yankton Sioux Tribe of South Dakota; and the Zuni Tribe of the Zuni Reservation, New Mexico (hereinafter referred to as "The Tribes").

History and Description of the Remains

In 1925, human remains representing a minimum of seven individuals were removed from a burial context on Comanche Creek, 15 miles east of Strasburg, in Adams County, CO, by Robert Landburg. In 1935, Mr. Landburg donated the human remains and they were accessioned into the collections (A1984.1 (CUI 1), A1984.2 (CUI 2), A1984.3 (CUI 3), A1984.4 (CUI 4), A1984.5, (CUI 5), A1984.6 (CUI 6), and A1984.7 (CUI 7)). Catalogue records suggested a possible cultural affiliation of Cheyenne or Arapaho. No known individuals were identified. The two associated funerary objects are two non-human bones (DMNS catalogue numbers A1984.6 and A1984.7).

In 1941, human remains representing a minimum of two individuals were donated and accessioned into the collections (A90.1 (CUI 10) and A90.3 (CUI 8)). Catalogue records indicate that the remains were donated by a person with the name Haynes and may have been removed from a burial context near Ft. Lupton, in Weld County, CO. In addition, catalogue records suggested a possible cultural affiliation of Cheyenne or Arapaho. No known individuals were identified. No associated funerary objects are present.

In 1972, human remains representing a minimum of one individual were donated to the museum by Kelley Jackson and accessioned into the collections (A148.1 (CUI 11)). The remains were reportedly found by Mr. Jackson's grandchildren and friends in a dry creek bed near Eads, in Kiowa County, CO. Catalogue records suggested a possible cultural affiliation of Plains Indians. No known individual was identified. No associated funerary objects are present.

Between 1970 and 1974, human remains representing a minimum of two individuals were removed from a burial context in an arroyo near Kim, in Las Animas County, CO, by Corwin Brown. In 1975, the human remains were donated to the museum and accessioned into the collections (A1982.1 (CUI 12) and A1982.3 (CUI 13)). Remains include two adults (one female) with associated bone beads. Catalogue records suggested a possible cultural affiliation of Ute, Jicarilla Apache, Cheyenne or Arapaho. No known individuals were identified. The 73 associated funerary objects are tubular rabbit bone beads (DMNS catalogue number A1982.2).

In 1984, the remains representing a minimum of one individual were removed from a burial context that was exposed by erosion at the Gregory-Allen Site, Crowley County, CO. The excavation was performed by the Denver Museum of Nature & Science Department of Anthropology and the remains were accessioned into the collections (A1983.1 (CUI 16)). Remains include one adult female in a flexed position and buried face down. Catalogue records suggest that nearby artifacts (not associated with the burial or donated to the museum) indicate occupation by peoples of the Cody Complex, which dates to about 9,000 years before present. Catalogue records also indicated a possible cultural affiliation of Cheyenne, Ute or Arapaho. No known individual was identified. No associated funerary objects are present.

In 1943, human remains representing a minimum of one individual were donated to the museum by A.H. Chatin and accessioned into the collections (A1996.1 (CUI 17)). The remains were reportedly removed from a burial context near Walsenburg, in Huerfano County, CO. The remains were removed from one of several rectangular stone structures on a hillside, sitting knees drawn up, facing northeast and with a slab metate standing at one side (metate not included with donation of remains). The remains were sent to Dr. Clyde Kluckhohn, Harvard University, "for examination and comparison with known series," which was published in *Southwestern Lore* in September 1943. Catalogue records suggested a possible cultural affiliation of Jicarilla Apache or Ute. No known individual was identified. No associated funerary objects are present.

In 1975, human remains representing a minimum of one individual were removed from a burial context during quarrying operations in Golden Gate Canyon, in Jefferson County, CO. In 1988, the remains were donated to the museum by the University of Colorado-Denver and accessioned into the collections (A1608.1 (CUI 18)). The remains were studied by Paul R. Nickens while in the possession of the University of Colorado-Denver and published in the *Plains Anthropologist* in 1977. The publication suggests that the remains date to the Woodland Period (A.D. 700–1000). No known individual was identified. No associated funerary objects are present.

Determinations Made by Denver Museum

- Based on non-destructive physical analysis and catalogue records, the human remains are determined to be Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity

cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.

- According to final judgment of the Indian Claims Commission, the lands from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; Jicarilla Apache Nation, New Mexico; and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.
- Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma; Comanche Nation, Oklahoma; and Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.
- Other credible lines of evidence, including consultation with Tribal representatives, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of The Tribes.
- Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of 15 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 75 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects is to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects or any other Indian Tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378, before March 21, 2011. Disposition of the human remains and associated funerary objects to The Tribes may proceed after that date if no additional requestors come forward.

The Denver Museum of Nature & Science is responsible for notifying The Tribes that this notice has been published.

Dated: February 15, 2011.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2011–3761 Filed 2–17–11; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[2253–665]

Notice of Inventory Completion: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science has completed an inventory of human remains, in consultation with the appropriate Indian Tribes, and has determined that there is no cultural affiliation between the remains and any present-day Tribe. Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains may contact the museum. Disposition of the human remains to the Tribes stated below may occur if no additional requestors come forward.

DATES: Representatives of any Indian Tribe that believes it has a cultural affiliation with the human remains should contact the museum at the address below by March 21, 2011.

ADDRESSES: Any Tribe that believes it has a cultural affiliation with the human remains should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Denver Museum of Nature & Science, Denver, CO. The human remains were removed from an unknown location in South Dakota.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Denver Museum of Nature & Science professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Flandreau Santee Sioux Tribe of South Dakota; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota (hereinafter referred to as "The Tribes").

History and Description of the Remains

At an unknown date, human remains representing a minimum of two individuals were removed from a burial context at an unknown location in South Dakota. In 1972, the remains were found in the collections in a box marked "South Dakota" and were accessioned into the collections (A1992.1 (CUI 19) and A1992.2 (CUI 20)). No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Denver Museum

• Based on non-destructive physical analysis and catalogue records, the human remains are determined to be Native American.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

• According to the final judgment of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and Yankton Sioux Tribe of South Dakota.

• Multiple lines of evidence, including treaties, Acts of Congress, and Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Ho-Chunk Nation of Wisconsin; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Pawnee Nation of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota.

• Finally, other credible lines of evidence, including consultation with Tribal representatives, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne and Arapaho Tribes, Oklahoma; Crow Tribe of Montana; Ho-Chunk Nation of Wisconsin; Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Omaha Tribe of Nebraska; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; Ponca Tribe of Indians of Oklahoma; Ponca Tribe of Nebraska; Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota.

• Pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of two individuals of Native American ancestry.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains is to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe that believes itself to be culturally affiliated with the human remains or any other Indian Tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Dr. Chip Colwell-Chanthaphonh, Denver Museum of Nature & Science, 2001 Colorado Blvd., Denver, CO 80205, telephone (303) 370–6378, before March 21, 2011. Disposition of the human remains to The Tribes may proceed after that date if no additional requestors come forward.

The Denver Museum of Nature & Science is responsible for notifying The Tribes that this notice has been published.

Dated: February 15, 2011.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2011–3753 Filed 2–17–11; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for Technical Evaluation Surveys

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request for its Technical Evaluation customer surveys has been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection request describes the nature of the information collection and the expected burden and cost. The OMB control number for this collection of information is 1029–0114 and is on the forms along with the expiration date.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB by March 21, 2011, in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer, by telefax at (202) 395–5806 or via e-mail to *OIRA Docketomb.eop.gov.* Also, please send a copy of your comments to John

Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 202—SIB, Washington, DC 20240, or electronically to *jtrelease@osmre.gov.* Please refer to OMB control number 1029–0114 in your correspondence.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208–2783, or electronically at *jtrelease@osmre.gov.* You may also review this collection by going to *http://www.reginfo.gov* (Information Collection Review, Currently Under Review, Agency is Department of the Interior, DOI–OSMRE).

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of 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)]. OSM has submitted a request to OMB to renew its approval of the collection of information contained in a series of technical evaluation customer surveys. OSM is requesting a 3-year term of approval for the information collection activity.

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 number for this collection of information is 1029–0114.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on this collection of information was published on November 5, 2010 (75 FR 68376). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: Technical Evaluation Surveys.

OMB Control Number: 1029–0114.

Summary: The series of surveys are needed to ensure that technical assistance activities, technology transfer activities and technical forums are useful for those who participate or receive the assistance. Specifically, representatives from State and Tribal regulatory and reclamation authorities are the primary respondents, although representatives of industry, environmental or citizen groups, or the public, may be recipients of the assistance or may participate in these forums. These surveys will be the primary means through which OSM evaluates its performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Individuals who request information or assistance, although generally States and Tribal employees.

Total Annual Responses: 500.

Total Annual Burden Hours: 42.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the addresses listed under **ADDRESSES**. Please refer to the appropriate OMB control number in all correspondence.

Before including your address, phone number, e-mail 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 11, 2011.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2011–3595 Filed 2–17–11; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–920 (Review) (Remand)]

Certain Welded Large Diameter Line Pipe From Mexico

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The U.S. International Trade Commission ("Commission") hereby gives notice of its remand proceeding with respect to its negative determination in the five-year review of the antidumping duty order on certain welded large diameter line pipe from Mexico. For further information concerning the conduct of this proceeding 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, subpart A (19 CFR part 207).

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

FOR FURTHER INFORMATION CONTACT: Karl von Schriltz (202–205–3096), Office of General Counsel, 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 of Investigation No. 731–TA–920 (Review) may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—In October 2007, the Commission determined that revocation of the antidumping duty order covering certain welded large diameter line pipe from Mexico would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. On April 21, 2008, six months after completion of the Commission's review, the Mexican producer Tuberias Procarsa, S.A. de C.V. ("Procarsa") attempted to file with the Commission a revised foreign producers' questionnaire response which sought to revise certain aspects of its originally reported capacity, production, and shipment data. On April 24, 2008, the Commission rejected the submission on the grounds that it was untimely filed.

On November 21, 2007, the domestic producer United States Steel Corporation ("U.S. Steel") filed a request for review of the Commission's determination by a binational panel under Article 1904 of the North American Free Trade Agreement. The parties completed briefing in the proceeding in 2008 and 2009. The Panel held a hearing in the proceeding on July 22, 2010.

On January 18, 2011, the Panel issued an opinion in the matter. In its opinion, the Panel affirmed the Commission's reliance on the existence of differing conditions of competition for Mexico and Japan when deciding not to exercise its discretion to cumulate the subject imports from those countries. The Panel also held that U.S. Steel was barred

from raising in this proceeding "arguments regarding the asserted discrepancy between the questionnaire responses and the staff's finding that the Mexican producers reported theoretical capacity," finding that U.S. Steel failed to exhaust its administrative remedies before the Commission. Panel Opinion at 25.

Nonetheless, the Panel remanded the Commission's determination so that the Commission could take into account Procarsa's revised foreign producers' questionnaire response and re-consider its cumulation and likely injury analysis for Mexico in light of the revised response. Specifically, the Panel indicated that the Commission should consider the revised data in light of its potential impact on the Commission's analysis of the Mexican industry's home market orientation, its capacity trends, and the presence of Mexican imports in the U.S. market. The Panel noted that the revised data did not affect the Commission's finding concerning Procarsa's product range during the period.

Participation in the proceeding.—Only those persons who were interested parties that participated in the review (*i.e.,* persons listed on the Commission Secretary's service list) and also parties to the NAFTA panel proceeding may participate in the remand proceeding. Such persons need not make any additional filings with the Commission to participate in the remand proceeding, unless they are adding new individuals to the list of persons entitled to receive business proprietary information under administrative protective order. Business proprietary information ("BPI") referred to during the remand proceeding will be governed, as appropriate, by the administrative protective order issued in the review.

Written Submissions.—The Commission is reopening the record in this proceeding for the sole purpose of accepting Procarsa's revised foreign producers' questionnaire response into the record. It will not otherwise accept the submission of new factual information for the record. The Commission will permit the parties to file comments concerning the new factual information submitted on the record during the remand proceeding. Those comments should be limited solely to the issue of whether and how the data contained in Procarsa's revised foreign producer's questionnaire will affect the Commission's cumulation and likely injury findings for Mexico, including its findings relating to the Mexican industry's home market orientation, its capacity trends, and the presence of Mexican imports in the U.S. market. The parties may not use this opportunity to comment on any other issue, including any "asserted discrepancy between the questionnaire responses and the staff's finding that the Mexican producers reported theoretical capacity." Panel Opinion at 25.

The comments must be based solely on the information in the Commission's record. The Commission will reject submissions containing additional factual information or arguments pertaining to issues other than those on which the Panel has remanded this matter. The deadline for filing comments is March 8, 2011. Comments shall be limited to no more than twenty (20) double-spaced and single-sided pages of textual material.

All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to this proceeding must be served on all other such parties, and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

By order of the Commission.

Issued: February 15, 2011.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. 2011–3766 Filed 2–17–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decree Under the Clean Air Act

Notice is hereby given that on February 14, 2011, a proposed Consent Decree in *United States et al.* v. *Merced Power LLC,* Civil Action No. 1:11-cv-00241, was lodged with the United States District Court for the Eastern District of California.

The Consent Decree in this Clean Air Act enforcement action resolves allegations by the Environmental Protection Agency and the San Joaquin Valley Unified Air Pollution Control District ("District"), asserted in a complaint filed together with the Consent Decree, under Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged environmental violations at defendant's biomass electric generating facilities in Merced, California. The violations include, among others, a failure to: Comply with numerous conditions contained in Federally enforceable permits issued for the facility, including those related to emissions of pollutants; install and operate required pollution control technology; undertake periodic equipment testing; and to submit required reports. The proposed Consent Decree would require defendant to install additional emissions monitoring equipment at their facility, pay a total of $492,000 in civil penalties to the United States and the District, and comply with permit conditions or face stipulated penalties during approximately two years following court approval of the consent decree.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to the matter as *United States et al.* v. *Merced Power LLC,* DOJ Ref. No. 90–5–2–1–09903.

The proposed Consent Decree may be examined at the following Regional Office of the United States Environmental Protection Agency: Region 9, 75 Hawthorne Street, San Francisco, California 94105. The Consent Decree may also be examined at the Office of the United States Attorney, 501 I Street, Suite 10–100, Sacramento, California 95814.

During the public comment period, the proposed agreement may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* Copies of the proposed agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting from the Consent Decree Library a copy of the consent decree, please enclose a check payable to the U.S. Treasury in the amount of $14.50 (25 cents per page

reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2011–3671 Filed 2–17–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decree Under the Clean Air Act

Notice is hereby given that on February 14, 2011, a proposed Consent Decree in *United States et al.* v. *Ampersand Chowchilla Biomass, LLC*, Civil Action No. 1:11–cv–00242, was lodged with the United States District Court for the Eastern District of California.

The Consent Decree in this Clean Air Act enforcement action resolves allegations by the Environmental Protection Agency and the San Joaquin Valley Unified Air Pollution Control District ("District"), asserted in a complaint filed together with the Consent Decree, under Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged environmental violations at defendant's biomass electric generating facility in Madera, California. The violations include, among others, a failure to: Comply with numerous conditions contained in Federally enforceable permits issued for the facility, including those related to emissions of pollutants; install and operate required pollution control technology; undertake periodic equipment testing; and to submit required reports. The proposed Consent Decree would require defendant to install additional emissions monitoring equipment at their facility, pay a total of $343,000 in civil penalties to the United States and the District, and comply with permit conditions or face stipulated penalties during approximately two years following court approval of the consent decree.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to the matter as and *United States et al.* v. *Ampersand Chowchilla Biomass LLC*, DOJ Ref. No. 90–5–2–1–09874.

The proposed Consent Decree may be examined at the following Regional Office of the United States Environmental Protection Agency: Region 9, 75 Hawthorne Street, San Francisco, California 94105. The Consent Decree may also be examined at the Office of the United States Attorney, 501 I Street, Suite 10–100, Sacramento, California 95814.

During the public comment period, the proposed agreement may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* Copies of the proposed agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting from the Consent Decree Library a copy of the consent decree, please enclose a check payable to the U.S. Treasury in the amount of $12.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2011–3672 Filed 2–17–11; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts; Submission of OMB Review: Comment Request

The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 [Pub. L. 104–13, 44 U.S.C. Chapter 35]. Copies of the ICR, with applicable supporting documentation, may be obtained by contacting Sunil Iyengar via telephone at 202–682–5654 (this is not a toll-free number) or e-mail at research@arts.endow.gov. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call 202–682–5496 between 10 a.m. and 4 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316, within 30 days from the date of this publication in the **Federal Register**.

The Office of Management and Budget (OMB) is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: National Endowment for the Arts.

Title: 2012 Survey of Public Participation in the Arts.

OMB Number: New.

Frequency: One Time.

Affected Public: American adults.

Estimated Number of Respondents: 36,000.

Estimated Time per Respondent: 10.0 minutes.

Total Burden Hours: 6,000 hours.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): 0.

Description: This request is for clearance of the 2012 Survey of Public Participation in the Arts (SPPA) to be conducted by the Census Bureau in May 2012 as a supplement to the Bureau of Labor Statistic's Current Population Survey. The SPPA is the field's premiere repeated cross sectional survey of individual attendance and involvement in arts and cultural activity. The data are circulated to interested researchers, and they are the basis for a range of NEA reports and independent research publications. The SPPA provides primary knowledge on the extent and nature of participation in the arts in the United States. Earlier SPPA surveys were conducted in 1982, 1985, 1992, 1997, 2002, and 2008, all of which were conducted by the Census Bureau except the 1997 study, which

was conducted by a private contractor, Westat Inc.

Addresses: Sunil Iyengar, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 616, Washington, DC 20506–0001, telephone (202) 682–5654 (this is not a toll-free number), fax (202) 682–5677.

Kathleen Edwards,

Support Services Supervisor, Administrative Services, National Endowment for the Arts.

[FR Doc. 2011–3744 Filed 2–17–11; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request; Correction

AGENCY: National Science Foundation.

ACTION: Notice; correction.

SUMMARY: The National Science Foundation (NSF) published a document in the **Federal Register** of January 31, 2011, concerning request for comments on a proposed information collection. The document contained a typographical error for the information collection.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send E-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Correction

In the **Federal Register** of January 31, 2011, in FR Doc. 2011–1960, on page 5406, first column, correct the first paragraph under B. Use of the Information, to read:

1. National Science Foundation—Polar Physical Examination (Antarctica/Arctic/Official Visitors) Medical History, will be used by the individual to record the individual's personal medical history. It is a five-page form * * *

Also in the **Federal Register** of January 31, 2011, in FR Doc. 2011–1960, on page 5407, third column, correct the first paragraph under B. Use of the Information, to read:

1. National Science Foundation—Polar Physical Examination (Antarctica/Arctic/Official Visitors) Medical History, will be used by the individual to record the individual's personal medical history. It is a five-page form * * *

Dated: February 11, 2011.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2011–3676 Filed 2–17–11; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by March 21, 2011. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

1. *Applicant;* Permit Application No. 2011–023. Joseph Levy, Department of Geology, Portland State University, P.O. Box 751, Portland, OR 97207–0751.

Activity for Which Permit Is Requested

Take and Import into the USA. The applicant plans to enter the Garwood Valley to collect algal mats from sediment outcrops where exposed, and from the surface of ponds. The applicant also plans to collect mummified Crabeater seal skin samples in Garwood Valley. Skin samples will be less than 20g each. The goal of the project is to define the rate of geomorphic change in Garwood Valley in response to changing climate conditions. The geomorphic record will be reconstructed over the past 1- = 2-kyr to infer past climate-driven landscape alteration at the end of the LGM and examine the current episode of landscape changes, including assessing the thermal equilibrium of buried massive ice. The past and current geomorphic changes will be used as a guide for predicting landscape response in the Dry Valleys should the >130 km^2 of ice-cored terrain in the valleys also begin to melt. Paired measurements of ^{14}C (from algal mats) and U/Th age (from carbon layers bracketing the algal mats), as well as ^{14}C ages with OSL ages (for near-surface mats), these seal ^{14}C dates will provide a correction factor for dealing with carbon input of certain provenance. The presence of multiple mats/carbonate beds/seals in Garwood Valley sediments will permit characterization of "old" carbon input over time into the sedimentary system.

Location

Garwood Valley, Dry Valleys.

Dates

January 1, 2011 to February 1, 2014.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 2011–3669 Filed 2–17–11; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Request Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: Notice is hereby given that the National Science Foundation (NSF) has received a request to modify a permit issued to conduct activities regulated under the Antarctic Conservation Act of 1978 (Pub. L. 95–541; Code of Federal Regulations Title 45, Part 670).

DATES: Interested parties are invited to submit written data, comments, or vies with respect to the permit modification by March 21, 2011. The permit modification request may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Polly A. Penhale or Nadene G. Kennedy at the above address or (703) 292–8030.

Description of Permit Modification Requested

On July 21, 2008, the National Science Foundation issued a waste management permit (2009 WM–001) to Quark Expeditions, Inc. of Waterbury, VT after positing a notice in the June 9, 2008 **Federal Register**. Public comments were not received. The issued permit was for use of emergency provisions ashore during passenger shore excursions should weather deteriorate and passengers are required to stay ashore for an extended period of time. Emergency provisions may include tents, sleeping bags, cooking stoves and a car-type battery for long-range VHR radio communication. The applicant requests to amend their waste permit to including overnight camping on several of their trips to the Antarctic Peninsula.

The duration of the requested modification is coincident with the current permit which expires on March 31, 2013.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 2011–3674 Filed 2–17–11; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2011–0034]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 64, "Travel Voucher" (Part 1); NRC Form 64A, "Travel Voucher" (Part 2); and NRC Form 64B, "Optional Travel Voucher" (Part 2).

2. *Current OMB approval number:* 3150–0192.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* Contractors, consultants and invited NRC travelers who travel in the course of conducting business for the NRC.

5. *The number of annual respondents:* 100.

6. *The number of hours needed annually to complete the requirement or request:* 100 (1 hour per form).

7. *Abstract:* Consultants, contractors, and those invited by the NRC to travel (*e.g.,* prospective employees) must file travel vouchers and trip reports in order to be reimbursed for their travel expenses. The information collected includes the name, address, social security number, and the amount to be reimbursed. Travel expenses that are reimbursed are confined to those expenses essential to the transaction of official business for an approved trip.

Submit, by April 19, 2011, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2011–0034. You may submit your comments by any of the following methods. Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2011–0034. Mail comments to NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–6258, or by e-mail to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 11th day of February 2011.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2011–3724 Filed 2–17–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–045; NRC–2011–0020]

GE Hitachi Nuclear Energy; Acceptance for Docketing of an Application for Renewal of the U.S. Advanced Boiling Water Reactor Design Certification

On December 7, 2010, GE Hitachi Nuclear Energy (GEH) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for a design certification (DC) renewal for the U.S. Advanced Boiling Water Reactor (ABWR) in accordance with the requirements contained in 10 CFR part 52, "Licenses, Certifications and Approvals for Nuclear Power Plants." A notice of receipt and availability of this application was previously published in the **Federal Register** (76 FR 4948) on January 27, 2011.

The NRC staff has determined that GEH has submitted information in accordance with 10 CFR Part 52 that is acceptable for docketing. The docket number established for the GEH ABWR DC renewal is 52–045.

The NRC staff will perform a detailed technical review of the application.

Docketing of the application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The Commission will receive a report on the DC renewal application from the Advisory Committee on Reactor Safeguards in accordance with 10 CFR 52.57, "Application for Renewal." The Commission will announce in a future **Federal Register** notice the opportunity to comment on a proposed rulemaking to issue the renewal. If the Commission finds that the DC renewal application meets the applicable standards of the Atomic Energy Act and the Commission's regulations, and that required notifications to other agencies and bodies have been made, the Commission will issue a DC renewal, in the form and containing conditions and limitations that the Commission finds appropriate and necessary.

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland, and will be accessible electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site *http://www.nrc.gov/reading-rm/adams.html.* The application is also available at *http://www.nrc.gov/reactors/new-reactors/design-cert.html.* Persons who do not have access to ADAMS or who encounter problems in accessing documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 14th day of February 2011.

For the Nuclear Regulatory Commission.

Adrian Muñiz,

Project Manager, BWR Projects Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2011–3734 Filed 2–17–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[EA–11–013]

USEC Inc. (American Centrifuge Lead Cascade Facility and American Centrifuge Plant); Order Approving Direct Transfer of Licenses and Conforming Amendment

I

USEC, Inc. (USEC) is the holder of material licenses numbers SNM–7003 and SNM–2011 for the American Centrifuge Lead Cascade Facility (Lead Cascade) and American Centrifuge Plant (ACP), respectively, which authorize the licensee to: (1) Possess and use source and special nuclear material at the Lead Cascade at the Portsmouth Gaseous Diffusion Plant site in Piketon, Ohio, in accordance with material license number SNM–7003; and, (2) construct and operate a gas centrifuge uranium enrichment facility (the ACP) at the Portsmouth Gaseous Diffusion Plant site in Piketon, Ohio, in accordance with material license number SNM–2011.

II

By letter dated September 10, 2010, USEC requested that the U.S. Nuclear Regulatory Commission (NRC) consent to transfer control of material license numbers SNM–7003 and SNM–2011 from USEC to a subsidiary limited liability company, American Centrifuge Operating (ACO), LLC. In addition, USEC requested NRC approval of changes to the Lead Cascade and the ACP material licenses. With NRC's approval of the request to transfer licenses, USEC will then make conforming changes to the license applications to reflect ACO as the Licensee. USEC's request included conforming changes to Chapter 2 of the combined Lead Cascade and ACP security program.

Approval of the direct transfer of the licenses and of the conforming license amendments was requested pursuant to 10 CFR 70.36. A notice of consideration of approval was published in the **Federal Register** on November 17, 2010 (75 FR 70300), including a notice of opportunity to request a hearing, or to submit written comments. No requests for a hearing were submitted in response to this notice. However, the Ohio Sierra Club submitted a written request, dated December 5, 2010 (ADAMS Accession No. ML103370366), for a public meeting to discuss this request to transfer licenses. In response, the NRC held a public meeting on January 4, 2011, in Piketon, Ohio, to discuss NRC's process for reviewing USEC's request to transfer licenses with members of the Sierra Club and other members of the public. During the meeting, the Southern Ohio Neighbors Group (SONG) submitted written comments regarding the transfer of licenses to the NRC. SONG's comments were received after the December 17, 2010, due date for submittal of comments provided in the November 17, 2010, **Federal Register** Notice. The NRC considered the comments to the maximum extent practicable within the enclosed Safety Evaluation Report.

Pursuant to 10 CFR 30.34(b), 40.46, and 70.36, no license granted under those parts, and no right thereunder to use byproduct, source, or special nuclear material, shall be transferred, assigned, or in any manner disposed of, directly or indirectly, through transfer of control of any license, to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Atomic Energy Act of 1954 (the Act), as amended, and shall give its consent in writing.

The Commission will approve an application for the direct or indirect transfer of a license if the Commission determines that the proposed restructuring and reorganization will not affect the qualifications of the Licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto. After review of the information in USEC's request and other information before the Commission, and relying on the representations and agreements contained in the request, the NRC staff has determined that the proposed corporate restructuring and direct transfer of the licenses are acceptable and consistent with applicable provisions of law, regulations, and orders issued by the Commission. The NRC staff has further determined that the application for the proposed license amendments complies with the standards and requirements of the Act, as amended, and the Commission's rules and regulations set forth in Title 10 Chapter I. The requested direct transfer of the licenses and issuance of the conforming license amendments would not be inimical to the common defense and security, or to the health and safety of the public, or the environment. Furthermore, the issuance of the proposed amendments would be in accordance with 10 CFR part 51 of the Commission's regulations, and all applicable requirements have been satisfied.

III

Accordingly, pursuant to Sections 161b, 161i, and 184 of the Act; 42 U.S.C. 2201(b), 2201(i), and 2234; 10 CFR 30.34(b), 40.46, and 70.36, *it is hereby ordered* that the Application regarding the direct transfer of the licenses, as described herein, be approved, subject to the following conditions:

(1) USEC will obtain NRC approval on the revised financial assurance instruments for decommissioning of the Lead Cascade facility;

(2) ACO, as stated in the request, will abide by all commitments and representations previously made by USEC with respect to the licenses; and

(3) USEC will provide to the NRC, a copy of the executed facilities subleasing agreement(s) naming ACO as the tenant and clarifying DOE indemnification, before the transfers are completed.

It is further ordered that the conforming license amendments for the direct transfer of licenses shall be issued after the above conditions have been satisfied, and made effective at the time the proposed transfer of licenses is completed.

It is further ordered that, to ensure that the NRC is timely notified of the transfers' completion, the licensee shall inform the Director of the Office of Nuclear Material Safety and Safeguards, in writing, of the date of closing of the direct transfer of license numbers SNM–7003 and SNM–2011 at least one (1) business day prior to closing. If the direct transfer of the licenses and all the above conforming conditions has not been completed within 180 days from the date of the issuance of this Order, the Order shall become null and void; however, on written application and for good cause shown, such date may be extended by order. The Director, Office of Nuclear Material Safety and Safeguards, may relax or rescind, in writing, any of the above conditions upon a demonstration of good cause by the licensee.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated September 10, 2010, and the Safety Evaluation Report that supports the amendment, which are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, MD 20852, and accessible, electronically, from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room, on the Internet, at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR reference staff, by telephone at 1–800–397–4209 or 301–415–4737 or by e-mail to *pdr.resources@nrc.gov.*

Dated at Rockville, MD, this 10th day of February 2011.

For the Nuclear Regulatory Commission.

Catherine Haney,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2011–3736 Filed 2–17–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0039]

Notice of Availability of the Proposed Models for Plant-Specific Adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–423, Revision 1, "Technical Specifications End States, NEDC–32988–A," for Boiling Water Reactor Plants Using the Consolidated Line Item Improvement Process

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of Availability.

SUMMARY: The NRC is announcing the availability of the model application (with model no significant hazards consideration (NSHC) determination) and model safety evaluation (SE) for plant-specific adoption of Technical Specifications Task Force (TSTF) Traveler TSTF–423, Revision 1, "Technical Specifications End States, NEDC–32988–A," for boiling water reactor (BWR) plants using the consolidated line item improvement process (CLIIP). TSTF–423, Revision 1, is available in the Agencywide Documents Access and Management System (ADAMS) under Accession Number ML093570241. The changes in TSTF–423, Revision 1, modify every Required Action with the preferred end state with addition of a Note prohibiting the use of the provisions of limiting condition for operation (LCO) 3.0.4.a to enter the end state Mode within the Applicability during startup. The Bases of each Required Action is revised to describe the Note. Additionally, this revision to TSTF–423 removes the proposed changes to Technical Specification (TS) 3.6.1.1, "Primary Containment." This model SE will facilitate expedited approval of plant-specific adoption of TSTF–423, Revision 1. Please note, this notice of availability (NOA) supersedes in its entirety the NOA for TSTF–423, Revision 0, published in the **Federal Register** on March 23, 2006 (71 FR 14726–14745, ADAMS Accession Number ML060760206).

You can access publicly available documents related to this notice using the following methods:

NRC's Public Document Room (PDR): The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, Public File Area O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into the ADAMS, which provides text and image files of NRC's public documents. If you do not have access to the ADAMS, or if there are problems in accessing the documents located in the ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

The model application (with model NSHC determination) and model SE for plant-specific adoption of TSTF–423, Revision 1, are available electronically under ADAMS Accession Number ML0126730688. The NRC staff disposition of comments received to the Notice of Opportunity for Public Comment announced in the **Federal Register** on December 14, 2005 (70 FR 74037), is available electronically under ADAMS Accession Number ML102700373.

Federal rulemaking Web site: Public comments received and supporting materials related to this notice can be found at *http://www.regulations.gov* by searching on Docket ID: NRC–2011–0039.

FOR FURTHER INFORMATION CONTACT: Ravinder Grover, Technical Specifications Branch, Mail Stop: O–7 C2A, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–2166 or e-mail at *Ravinder.Grover@nrc.gov* or Ms. Michelle C. Honcharik, Senior Project Manager, Licensing Processes Branch, Mail Stop: O–12 D1, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–

1774 or e-mail at *Michelle.Honcharik@nrc.gov.*

SUPPLEMENTARY INFORMATION:

TSTF–423, Revision 1, is applicable to all BWR plants. Licensees opting to apply for this TS change are responsible for reviewing the NRC staff's model SE, referencing the applicable technical justifications, and providing any necessary plant-specific information. The NRC will process each amendment application responding to this NOA according to applicable NRC rules and procedures.

The proposed models do not prevent licensees from requesting an alternate approach or proposing changes other than those proposed in TSTF–423, Revision 1. However, significant deviations from the approach recommended in this notice or the inclusion of additional changes to the license require additional NRC staff review. This may increase the time and resources needed for the review or result in NRC staff rejection of the license amendment request (LAR). Licensees desiring significant deviations or additional changes should instead submit an LAR that does not claim to adopt TSTF–423, Revision 1.

Dated at Rockville, Maryland this 2nd day of February 2011.

For the Nuclear Regulatory Commission.

Melissa S. Ash,

Acting Chief, Licensing Processes Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2011–3718 Filed 2–17–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0255]

Office of New Reactors; Proposed Revision 1 to Standard Review Plan, Section 13.5.1.1 on Administrative Procedures—General; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Solicitation of public comment; correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on February 9, 2011, that announced the solicitation for comments of the proposed Revision 1 to Standard Review Plan, Section 13.5.1.1 on Administrative Procedures—General. This action is necessary to correct the Agencywide Documents Access and Management System (ADAMS) accession number for the redline document mentioned in the last line under the **SUMMARY** section.

FOR FURTHER INFORMATION CONTACT: Mr. William F. Burton, Chief, Rulemaking and Guidance Development Branch, Division of New Reactor Licensing, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone at 301–415–6332 or e-mail at *william.burton@nrc.gov.*

SUPPLEMENTARY INFORMATION: On February 9, 2011, at 76 FR 7235, NRC published a document announcing the availability of a proposed Revision 1 to Standard Review Plan for public comment. In that publication, on page 7235 second Colum, under the section titled **SUMMARY** first paragraph, replace the last two sentences with "Since then, the NRC staff has made substantial changes to that guidance and it is being re-noticed for comments. A redline document comparing the two versions can be found under ADAMS Accession No. ML110100212."

Dated at Rockville, Maryland this 11th day of February 2011.

For the Nuclear Regulatory Commission.

William F. Burton,

Chief, Rulemaking and Guidance Development Branch, Division of New Reactor Licensing, Office of New Reactor.

[FR Doc. 2011–3725 Filed 2–17–11; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

National Council on Federal Labor-Management Relations Meetings

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The National Council on Federal Labor-Management Relations plans to meet on the following dates—

Wednesday, March 16, 2011
Wednesday, April 20, 2011
Wednesday, May 18, 2011
Wednesday, June 15, 2011
Wednesday, July 20, 2011
Wednesday, September 21, 2011
Wednesday, October 19, 2011
Wednesday, November 16, 2011

The meetings will start at 10 a.m. and will be held in the AIA Gallery Room at the American Institute of Architects, 1735 New York Avenue, NW., Washington, DC 20006. Interested parties should consult the Council Web site at *http://www.lmrcouncil.gov* for the latest information on Council activities, including changes in meeting dates.

The Council is an advisory body composed of representatives of Federal employee organizations, Federal management organizations, and senior government officials. The Council was established by Executive Order 13522, entitled, "Creating Labor-Management Forums to Improve Delivery of Government Services," which was signed by the President on December 9, 2009. Along with its other responsibilities, the Council assists in the implementation of Labor Management Forums throughout the government and makes recommendations to the President on innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests. The Council is co-chaired by the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget.

At its meetings, the Council will continue its work in promoting cooperative and productive relationships between labor and management in the executive branch, by carrying out the responsibilities and functions listed in Section 1(b) of the Executive Order. At these meetings the Council will address issues relating to the establishment and performance of agency labor-management forums and (b)(1) pilot projects, training of agency staff, and the work of Council working groups—such as the one established to promote telework. The meetings are open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at the meeting. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

FOR FURTHER INFORMATION CONTACT: Tim Curry, Deputy Associate Director for Partnership and Labor Relations, Office of Personnel Management, 1900 E Street, NW., Room 7H28–E, Washington, DC 20415. Phone (202) 606–2930 or e-mail at *PLR@opm.gov.*

For the National Council.

John Berry,

Director.

[FR Doc. 2011–3767 Filed 2–17–11; 8:45 am]

BILLING CODE 6325–39–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Railroad

Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) to request an extension without change of a currently approved collection of information: 3220–0185, Report of Medicaid State Office on Beneficiary's Buy-In Status consisting of Form RL–380–F, Report to State Medicaid Office. Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (1) The practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

Under Section 7(d) of the Railroad Retirement Act, the RRB administers the Medicare program for persons covered by the railroad retirement system. Under Section 1843 of the Social Security Act, states may enter into "buy-in agreements" with the Secretary of Health and Human Services for the purpose of enrolling certain groups of low-income individuals under the Medicare medical insurance (Part B) program and paying the premiums for their insurance coverage. Generally, these individuals are categorically needy under Medicaid and meet the eligibility requirements for Medicare Part B. States can also include in their buy-in agreements, individuals who are eligible for medical assistance only. The RRB uses Form RL–380–F, Report to State Medicaid Office, to obtain information needed to determine if certain railroad beneficiaries are entitled to receive Supplementary Medical Insurance program coverage under a State buy-in agreement in States in which they reside. Completion of Form RL–380–F is voluntary. One response is received from each respondent.

The RRB proposes no changes to Form RL–380–F.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (72 FR 57078 on December 17, 2010) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Report of Medicaid State Office on Beneficiary's Buy-In Status.

OMB Control Number: 3220–0185.

Form(s) submitted: RL–380–F.

Type of request: An extension without change of a currently approved collection.

Affected public: State, local or Tribal government.

Abstract: Under the Railroad Retirement Act, the Railroad Retirement Board administers the Medicare program for persons covered by the railroad retirement system. The collection obtains the information needed to determine if certain railroad beneficiaries are entitled to receive Supplementary Medical Insurance program coverage under a State buy-in agreement in States in which they reside.

Changes Proposed: The RRB proposes no changes to Form RL–380–F.

The burden estimate for the ICR is as follows:

Estimated Completion Time for Form(s): Completion time for Form RL–380–F is estimated at 10 minutes.

Estimated annual number of respondents: 600.

Total annual responses: 600.

Total annual reporting hours: 100.

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312–751–3363) or Charles.Mierzwa@rrb.gov.

Comments regarding the information collection should be sent to Patricia A. Henaghan, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or *Patricia.Henaghan@rrb.gov* and to the Office of Management Budget at ATTN: Desk Officer for RRB, FAX: (202) 395–6974 or via E-mail to *OIRA_Submission@omb.eop.gov.*

Charles Mierzwa,

Clearance Officer.

[FR Doc. 2011–3715 Filed 2–17–11; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63898; File No. SR–NYSE–2011–03]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Cease Operating NYSE MatchPoint Effective February 28, 2011 and Contemporaneously Delete the Text of Rule 1500, Which Governs MatchPoint's Functionality

February 11, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") [1], and Rule 19b–4 thereunder,[2] notice is hereby given that on February 7, 2011, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II, below, which Items have been prepared by the 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 cease operating NYSE MatchPoint℠ ("MatchPoint"), effective February 28, 2011, and as such, proposes to contemporaneously delete the text of Rule 1500, which governs MatchPoint's functionality. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com*, at the Exchange's principal office, at the Commission's Public Reference Room, and on the Commission's Web site at *http://www.sec.gov.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange intends to cease operating MatchPoint, effective February 28, 2011, and as such, proposes to contemporaneously delete the text of Rule 1500, which governs MatchPoint's functionality. MatchPoint is a portfolio-based, point-in-time electronic exchange facility that matches aggregated orders at predetermined times. The Exchange will provide advance notice to its members and member organizations of the discontinuation of this functionality.

The Exchange also proposes to make conforming changes to remove references to Rule 1500 and MatchPoint from the following other Exchange rules: Rule 13, Rule 15, Supplementary Materials .15 and .20 to Rule 79A, Supplementary Material .10 to Rule 104, Supplementary Material .40 to Rule 116, Rule 123B and Supplementary Material .30 thereto, Supplementary Material .10 to Rule 123C, Supplementary Material .25 to Rule 123D, Supplementary Material .11 to Rule 1000, and Rule 1600.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 ("Act"),[3] in general, and Section 6(b)(5) of the Act,[4] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change, in conjunction with a related communication to members and member organizations, will provide advance notice to NYSE members and member organizations that the Exchange will cease operation of MatchPoint.

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.

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

[4] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[5] and Rule 19b–4(f)(6) thereunder.[6] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[7]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission hereby grants the request. Waiving the operative delay will allow the Exchange to cease operations of MatchPoint on February 28, 2011, which, as noted by the Exchange, is the compliance date for amendments to Regulation SHO under the Act. By waiving the operative delay, the Exchange will be able to cease the operation of MatchPoint rather than making systems changes to MatchPoint to comply with the amendments to Regulation SHO for the time between February 28, 2011 and the date that is 30 days after the date of this filing. Therefore, the Commission believes it is consistent with the protection of investors and the public interest to waive the 30-day operative delay and designates the proposal as operative upon filing.[8]

[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b–4(f)(6).

[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 the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[8] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2011–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2011–03. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make

available publicly. All submissions should refer to File Number SR–NYSE–2011–03 and should be submitted on or before March 11, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–3646 Filed 2–17–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63905; File No. SR–Phlx–2011–17]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish and Adopt Fees for the New Short Sale Monitor Service and PSX Data Add-On

February 14, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 4, 2011, NASDAQ OMX PHLX LLC ("Phlx" or "Exchange"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Phlx proposes to adopt a fee for the Short Sale Monitor and the PSX Data Add-On, a new service and related NASDAQ OMX PSX ("PSX") add-on data that assist subscribers in complying with new requirements arising from recent amendments to Regulation SHO. The Exchange will implement the service as soon as practicable following the effective date of the filing.

The text of the proposed rule change is available at the principal office of the Exchange, and at the Commission's Public Reference Room.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Phlx 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. Phlx 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

Phlx is proposing to amend its fee schedule to establish the Short Sale Monitor offered to subscribing member firms at no cost through March 31, 2011 and for a fee of $750 per market participant identifier ("MPID"), per month thereafter. The Short Sale Monitor is a new service that provides subscribers with real-time surveillance of trades reported to the FINRA/Nasdaq Trade Reporting Facility ("FINRA/NASDAQ TRF")[3] marked as "short" and "short exempt" to assist them in monitoring their compliance with amendments to Regulation SHO under the Act.[4] The Commission recently amended Regulation SHO to adopt a new short sale-related circuit breaker combined with an alternative uptick rule under Rule 201.[5] The new rule imposes a restriction on the price at which a security may be sold short if the circuit breaker is triggered. Specifically, the new rule requires trading centers,[6] which include self-regulatory organizations ("SROs"), to establish, maintain and enforce written policies and procedures reasonably designed to prevent the execution or display of short sale orders in a covered security[7] at a price that is less than or equal to the current national best bid[8] if the price of that covered security decreases by 10% or more from its closing price as determined by the listing market[9] as of the end of regular trading hours on the prior day.[10] In addition, the rule requires that the trading center establish, maintain, and enforce written policies and procedures reasonably designed to impose this short sale price test restriction for the remainder of the day and the following day when a national best bid for the covered security is calculated and disseminated on a current and continuing basis by a plan processor pursuant to an effective national market system plan.[11] Trading centers are required to regularly surveil to ascertain the effectiveness of these policies and procedures. Rule 201 generally permits short selling at a price above the current national best bid during the time a short sale price test restriction is in effect for a covered security.

The Commission also amended Regulation SHO to provide that a broker-dealer may mark certain qualifying sell orders "short exempt."[12]

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The FINRA/NASDAQ TRF is a facility of FINRA operated by The NASDAQ OMX Group, Inc.

[4] Securities Exchange Act Release No. 61595 (February 26, 2010), 75 FR 11232 (March 10, 2010) (amending Rule 201 and Rule 200(g) of Regulation SHO). The amendments to Rules 201 and 200(g) of Regulation SHO have a compliance date of February 28, 2011. *See* Securities Exchange Act Release No. 63247 (November 4, 2010), 75 FR 68702 (November 9, 2010) (extending the compliance date of the amendments to Rules 201 and 200(g) of Regulation SHO from November 10, 2010 until February 28, 2011).

[5] 17 CFR 242.201.

[6] Rule 201(a)(9) defines the term "trading center" as having the same meaning as in Rule 600(b)(78) of Regulation NMS. Rule 600(b)(78) defines a "trading center" as "a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent." 17 CFR 242.600(b)(78).

[7] Rule 201(a)(1) defines the term "covered security" for purposes of Rule 201. *See* 17 CFR 242.201(a)(1). Rule 201(a)(1) defines "covered security" to mean any "NMS stock" as defined under Rule 600(b)(47) of Regulation NMS. Rule 600(b)(47) of Regulation NMS defines an "NMS stock" as "any NMS security other than an option." 17 CFR 242.600(b)(47). Rule 600(b)(46) of Regulation NMS defines an "NMS security" as "any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in listed options." 17 CFR 242.600(b)(46).

[8] Rule 201(a)(4) defines the term "national best bid" for purposes of Rule 201. *See* 17 CFR 242.201(a)(4).

[9] Rule 201(a)(3) defines the term "listing market" for purposes of Rule 201. *See* 17 CFR 242.201(a)(3).

[10] 17 CFR 242.201(b)(1)(i).

[11] 17 CFR 242.201(b)(1)(ii). Further, if the price of a covered security declines intra-day by at least 10% on a day on which the security is already subject to the short sale price test restriction of Rule 201, the restriction will be re-triggered and, therefore, will continue in effect for the remainder of that day and the following day. Rule 201 does not place any limit on the frequency or number of times the circuit breaker can be re-triggered with respect to a particular stock. *See* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A No. 2.2 (*http://sec.gov/divisions/marketreg/rule201faq.htm*).

[12] Formerly, Rule 200(g) of Regulation SHO provided that a broker-dealer must mark all sell orders of any security as "long" or "short." As amended, Rule 200(g) now provides a "short exempt" marking requirement. 17 CFR 242.200(g). Rule 200(g)(2) provides that a sale order may only

If a broker-dealer marks an order "short exempt," it is not subject to the short sale price test restrictions of Rule 201 and can be executed by a trading center without regard to its price.[13] Paragraphs (c) and (d) of Rule 201 specify the circumstances under which a broker-dealer may mark certain sale orders as "short exempt."[14] If a broker-dealer chooses to rely on its own determination that it is submitting a short sale order to the trading center at a price that is above the current national best bid at the time of submission under Rule 201(c) or to rely on an exception specified in Rule 201(d), it may mark the order "short exempt." The Commission noted in adopting the "short exempt" marking requirement that it will both provide a record of broker-dealers availing themselves of the provisions of paragraphs (c) or (d) to the rule and aid surveillance by SROs and the Commission for compliance with the provisions of Rule 201.[15]

The Short Sale Monitor provides subscribing member firms with a tool to aid them in monitoring their trades reported into the FINRA/NASDAQ TRF for compliance with the requirements of the amended rules.[16] Accessed through either a Workstation or Weblink ACT 2.0 terminal, the Short Sale Monitor provides subscribers with notifications of their reported trades marked "short" and "short exempt" for covered securities subject to the short sale price test restrictions of Rule 201. Specifically, the Short Sale Monitor will provide subscribers notice of covered securities subject to the restrictions of Rule 201, and provide access to historical lists of such covered securities. In addition, the Short Sale Monitor will provide notice of trades in covered securities that are: (i) Subject to the short sale price test restriction, and marked "short," (ii) subject to the short sale price test restriction, and marked "short exempt," (iii) subject to the short sale price test restriction, and sold above the current national best bid at the time of trade execution time, and (iv) not subject to the short sale price test restriction, but marked "short exempt."[17] The Short Sale Monitor will provide this information to a subscribing firm both as real-time alerts and through a historical database of the firm's trades that prompted the alerts, which will assist the firm in meeting its obligation to ascertain the effectiveness of its policies and procedures.[18] As such, member firms will have a useful compliance tool with which they can monitor, post-trade, their compliance with the amendments to Regulation SHO under the Act.[19] In this regard, the Short Sale Monitor is similar to NASDAQ's InterACT service in that it provides member firms with post-trade analysis of their trades for compliance with regulatory obligations.[20] Lastly, Phlx will supplement and enhance the Short Sale Monitor as needed to address any amendments to Regulation SHO or other related rules, and from time to time will make changes to enhance the service.

Phlx is also proposing to amend its fee schedule to establish the PSX Data Add-On service as an additional service to an existing Short Sale Monitor subscription, which will provide subscribers with access to records of their trades in covered securities subject to the short sale price restrictions of Rule 201 executed on PSX and marked "short exempt." The proposed add-on service will be offered at no cost through March 31, 2011, and for an additional fee of $50 per MPID, per month thereafter. As noted above, to be eligible for the PSX Data Add-On service a member's MPID must first be subscribed to the Short Sale Monitor.

Last, Phlx is proposing waive the Short Sale Monitor fee for members seeking to subscribe to the PSX Data Add-on service if the MPID is currently subscribed to either the NASDAQ or NASDAQ OMX BX Short Sale Monitor. NASDAQ and NASDAQ OMX BX will offer[21] the Short Sale Monitor to their members for a price identical to that of Phlx's at $750 per MPID, per month. Phlx notes that the Short Sale Monitor of each of the three exchanges offers the identical service and access to data. As such, Phlx does not believe that it is appropriate to charge members of Phlx an additional fee of $750 per MPID, per month if the member currently subscribes to the Short Sale Monitor offered by another NASDAQ OMX exchange.[22] Accordingly, Phlx believes that a member should only pay for the market-specific data if it has a pre-existing subscription to the Short Sale Monitor, irrespective of the NASDAQ OMX exchange through which it subscribes.

2. Statutory Basis

Phlx believes that the proposed rule change is consistent with Section 6(b) of the Act in general,[23] and Section 6(b)(4) of the Act[24] specifically, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Phlx operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers. Phlx believes that offering the Short Sale Monitor at no cost on a trial basis, and for a fee of $750 per MPID, per month thereafter, and the PSX Data Add-On at no cost on a trial basis, and for a fee of $50 per MPID, per month thereafter is fair and provides an equitable allocation of fees in that subscription is voluntary and it will apply uniformly to all members that use the FINRA/NASDAQ TRF or execute on PSX, as applicable, and elect to subscribe to one or both of the services. Further, Phlx believes that, as discussed above, waiving the Short Sale Monitor fee for a member seeking a subscription to the PSX Data Add-On is appropriate in cases where the member has subscribed the MPID to the Short Sale Monitor of NASDAQ or NASDAQ OMX BX. As noted, the Short Sale Monitors of the NASDAQ OMX exchanges provide identical services and are offered at an identical fee. As such, Phlx does not believe requiring a firm to subscribe to a redundant service solely to access PSX-specific data is an equitable allocation of fees. Phlx notes that subscribing members may cancel their subscription(s) at any time prior to the expiration of the trial period at no cost. The proposed fee will apply to all members equally based on the number of MPIDs subscribed. The proposed fee will cover the costs associated with separately offering the service,

be marked "short exempt" if the provisions of Rule 201(c) or Rule 201(d) are met. 17 CFR 242.200(g)(2). *See supra* note 4. *See also* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A Nos. 5.4 and 8.1.

[13] 17 CFR 242.201(b)(1)(iii)(B).

[14] 17 CFR 242.201(c); 17 CFR 242.201(d).

[15] *See supra* note 4, 75 FR at 11275–76.

[16] FINRA recently amended its rules to conform them to the requirements of the changes made by the Commission to Regulation SHO, including amending its trade reporting rules applicable to over-the-counter trades in NMS stocks to reintroduce the short sale exempt category. *See* Securities Exchange Act Release No. 63032 (December 4, 2010), 75 FR 62439 (December 8, 2010) (SR–FINRA–2010–043).

[17] *See also* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A Nos. 5.4 and 5.5.

[18] The Commission notes that broker-dealers subscribing to the Short Sale Monitor and Data Add-On service remain responsible for compliance with Rule 201 of Regulation SHO.

[19] *Supra* note 4.

[20] *See* NASDAQ Rule 7049 (explaining the InterACT service).

[21] NASDAQ and NASDAQ OMX BX have filed related rule changes with the Commission concurrent with Phlx's filing. *See* SR–NASDAQ–2011–024 and SR–BX–2011–008.

[22] Rule changes proposed by both NASDAQ and NASDAQ OMX BX provide an identical waiver of the Short Sale Monitor fee.

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(4).

responding to customer requests, configuring PSX's systems, programming to user specifications, and administering the service, among other things, and may provide Phlx with a profit to the extent costs are covered.

Phlx also believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act[25] because it is designed to, among other things, prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to foster cooperation and coordination with persons engaged in facilitating transactions in securities. The Short Sale Monitor will assist subscribing member firms in monitoring their compliance with the amendments to Regulation SHO under the Act[26] with respect to trades reported to the FINRA/NASDAQ TRF. Phlx notes that the Short Sale Monitor is similar to NASDAQ's InterACT service,[27] which allows member firms to supervise trade activity required to be reported to the FINRA/NASDAQ TRF, and provides member firms with real time totals of open trades awaiting review and acceptance within the twenty minute period required by FINRA Rule 7230A(b). As noted above, the Short Sale Monitor is similar to this service in that it provides member firms with post-trade analysis of their trades for compliance with regulatory obligations. In the case of the Short Sale Monitor and PSX Data Add-On, such analysis include trades reported to the FINRA/NASDAQ TRF and trades executed on PSX marked "short exempt" in covered securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

Phlx does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[28] and subparagraph (f)(2) of Rule 19b–4 thereunder.[29] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2011–17 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2011–17. This file number should be included on the subject line if e-mail is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2011–17, and should be submitted on or before March 11, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–3689 Filed 2–17–11; 8:45 am]

BILLING CODE 8011–01–P

[25] 15 U.S.C. 78f(b)(5).

[26] *Supra* note 4.

[27] *Supra* note 20.

[28] 15 U.S.C. 78s(b)(3)(a)(ii).

[29] 17 CFR 240.19b–4(f)(2).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63906; File No. SR–NASDAQ–2011–024]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish and Adopt Fees for the New Short Sale Monitor Service and Nasdaq Data Add-On

February 14, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 4, 2011, The NASDAQ Stock Market LLC ("NASDAQ"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

NASDAQ proposes to adopt a fee for the Short Sale Monitor and the Nasdaq Data Add-On, a new service and related add-on data that assist subscribers in complying with new requirements arising from recent amendments to Regulation SHO. NASDAQ will implement the service as soon as practicable following the effective date of the filing.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of the proposed rule change is below. Proposed new language is italicized.

* * * * *

7055. Short Sale Monitor

(a) The Short Sale Monitor is a real-time surveillance and alert tool that assists member firms with monitoring and post trade analysis of their short sale and short sale exempt trades reported to the FINRA/NASDAQ Trade Reporting Facility (TRF), which includes real-time alerts of covered securities subject to the restrictions of SEC Rule 201, reports of a member firm's trades marked as "short" that are subject to the restrictions of SEC Rule 201, and reports of a member firm's trades marked as "short exempt."

The Short Sale Monitor is available to each member firm at no cost for a trial period ending March 31, 2011, and for a fee of $750 per MPID, per month thereafter.

(b) The Nasdaq Data Add-On service provides an MPID subscribed to the Short Sale Monitor subscription with a record of trades in covered securities executed on Nasdaq that are marked "short exempt." The Nasdaq Data Add-On service is available at no cost for a trial period ending March 31, 2011, and for a fee of $150 per MPID, per month. An MPID subscribed to the Short Sale Monitor of NASDAQ OMX BX or NASDAQ OMX PSX need not subscribe additionally to the NASDAQ Short Sale Monitor to subscribe to the Nasdaq Data Add-On service.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ 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. NASDAQ 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

NASDAQ is proposing to adopt Rule 7055(a), establishing the Short Sale Monitor offered to subscribing member firms at no cost through March 31, 2011 and for a fee of $750 per market participant identifier ("MPID"), per month thereafter. The Short Sale Monitor is a new service that provides subscribers with real-time surveillance of trades reported to the FINRA/Nasdaq Trade Reporting Facility ("FINRA/NASDAQ TRF") [3] marked as "short" and "short exempt" to assist them in monitoring their compliance with amendments to Regulation SHO under the Act.[4] The Commission recently amended Regulation SHO to adopt a new short sale-related circuit breaker combined with an alternative uptick rule under Rule 201.[5] The new rule imposes a restriction on the price at which a security may be sold short if the circuit breaker is triggered. Specifically, the new rule requires trading centers,[6] which include self-regulatory organizations ("SROs"), to establish, maintain and enforce written policies and procedures reasonably designed to prevent the execution or display of short sale orders in a covered security [7] at a price that is less than or equal to the current national best bid [8] if the price of that covered security decreases by 10% or more from its closing price as determined by the listing market [9] as of the end of regular trading hours on the prior day.[10] In addition, the rule requires that the trading center establish, maintain, and enforce written policies and procedures reasonably designed to impose this short sale price test restriction for the remainder of the day and the following day when a national best bid for the covered security is calculated and disseminated on a current and continuing basis by a plan processor pursuant to an effective national market system plan.[11] Trading centers are required to regularly surveil to ascertain the effectiveness of these policies and procedures. Rule 201 generally permits short selling at a price above the current national best bid during the time a short sale price test restriction is in effect for a covered security.

The Commission also amended Regulation SHO to provide that a broker-dealer may mark certain qualifying sell orders "short exempt." [12] If a broker-dealer marks an order "short exempt," it is not subject to the short sale price test restrictions of Rule 201 and can be executed by a trading center without regard to its price.[13] Paragraphs (c) and (d) of Rule 201 specify the circumstances under which a broker-dealer may mark certain sale orders as "short exempt." [14] If a broker-dealer chooses to rely on its own determination that it is submitting a short sale order to the trading center at a price that is above the current national best bid at the time of submission under Rule 201(c) or to rely on an exception specified in Rule 201(d), it may mark the order "short exempt." The Commission noted in adopting the "short exempt" marking requirement that it will both provide a record of

[3] The FINRA/NASDAQ TRF is a facility of FINRA operated by The NASDAQ OMX Group, Inc.

[4] Securities Exchange Act Release No. 61595 (February 26, 2010), 75 FR 11232 (March 10, 2010) (amending Rule 201 and Rule 200(g) of Regulation SHO). The amendments to Rules 201 and 200(g) of Regulation SHO have a compliance date of February 28, 2011. *See* Securities Exchange Act Release No. 63247 (November 4, 2010), 75 FR 68702 (November 9, 2010) (extending the compliance date of the amendments to Rules 201 and 200(g) of Regulation SHO from November 10, 2010 until February 28, 2011).

[5] 17 CFR 242.201.

[6] Rule 201(a)(9) defines the term "trading center" as having the same meaning as in Rule 600(b)(78) of Regulation NMS. Rule 600(b)(78) defines a "trading center" as "a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent." 17 CFR 242.600(b)(78).

[7] Rule 201(a)(1) defines the term "covered security" for purposes of Rule 201. *See* 17 CFR 242.201(a)(1). Rule 201(a)(1) defines "covered security" to mean any "NMS stock" as defined under Rule 600(b)(47) of Regulation NMS. Rule 600(b)(47) of Regulation NMS defines an "NMS stock" as "any NMS security other than an option." 17 CFR 242.600(b)(47). Rule 600(b)(46) of Regulation NMS defines an "NMS security" as "any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in listed options." 17 CFR 242.600(b)(46).

[8] Rule 201(a)(4) defines the term "national best bid" for purposes of Rule 201. *See* 17 CFR 242.201(a)(4).

[9] Rule 201(a)(3) defines the term "listing market" for purposes of Rule 201. *See* 17 CFR 242.201(a)(3).

[10] 17 CFR 242.201(b)(1)(i).

[11] 17 CFR 242.201(b)(1)(ii). Further, if the price of a covered security declines intra-day by at least 10% on a day on which the security is already subject to the short sale price test restriction of Rule 201, the restriction will be re-triggered and, therefore, will continue in effect for the remainder of that day and the following day. Rule 201 does not place any limit on the frequency or number of times the circuit breaker can be re-triggered with respect to a particular stock. *See* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A No. 2.2 (*http://sec.gov/divisions/marketreg/rule201faq.htm*).

[12] Formerly, Rule 200(g) of Regulation SHO provided that a broker-dealer must mark all sell orders of any security as "long" or "short." As amended, Rule 200(g) now provides a "short exempt" marking requirement. 17 CFR 242.200(g). Rule 200(g)(2) provides that a sale order may only be marked "short exempt" if the provisions of Rule 201(c) or Rule 201(d) are met. 17 CFR 242.200(g)(2). *See supra* note 4. *See also* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A Nos. 5.4 and 8.1.

[13] 17 CFR 242.201(b)(1)(iii)(B).

[14] 17 CFR 242.201(c); 17 CFR 242.201(d).

broker-dealers availing themselves of the provisions of paragraphs (c) or (d) to the rule and aid surveillance by SROs and the Commission for compliance with the provisions of Rule 201.[15]

The Short Sale Monitor provides subscribing member firms with a tool to aid them in monitoring their trades reported into the FINRA/NASDAQ TRF for compliance with the requirements of the amended rules.[16] Accessed through either a NASDAQ Workstation or Weblink ACT 2.0 terminal, the Short Sale Monitor provides subscribers with notifications of their reported trades marked "short" and "short exempt" for covered securities subject to the short sale price test restrictions of Rule 201. Specifically, the Short Sale Monitor will provide subscribers notice of covered securities subject to the restrictions of Rule 201, and provide access to historical lists of such covered securities. In addition, the Short Sale Monitor will provide notice of trades in covered securities that are: (i) Subject to the short sale price test restriction, and marked "short," (ii) subject to the short sale price test restriction, and marked "short exempt," (iii) subject to the short sale price test restriction, and sold above the current national best bid at the time of trade execution time, and (iv) not subject to the short sale price test restriction, but marked "short exempt."[17] The Short Sale Monitor will provide this information to a subscribing firm both as real-time alerts and through a historical database of the firm's trades that prompted the alerts, which will assist the firm in meeting its obligation to ascertain the effectiveness of its policies and procedures.[18] As such, member firms will have a useful compliance tool with which they can monitor, post-trade, their compliance with the amendments to Regulation SHO under the Act.[19] In this regard, the Short Sale Monitor is similar to NASDAQ's InterACT service in that it provides member firms with post-trade analysis of their trades for compliance with regulatory obligations.[20] Lastly, NASDAQ will supplement and enhance the Short Sale Monitor as needed to address any amendments to Regulation SHO or other related rules, and from time to time will make changes to enhance the service.

NASDAQ is also proposing to adopt Rule 7055(b) to establish the Nasdaq Data Add-On service as an additional service to an existing Short Sale Monitor subscription, which will provide subscribers with access to records of their trades in covered securities subject to the short sale price restrictions of Rule 201 executed on NASDAQ and marked "short exempt." The proposed add-on service will be offered at no cost through March 31, 2011, and for an additional fee of $150 per MPID, per month thereafter. As noted above, to be eligible for the Nasdaq Data Add-On service a member's MPID must first be subscribed to the Short Sale Monitor.

Last, NASDAQ is proposing to waive the Short Sale Monitor fee of Rule 7055(a) for members seeking to subscribe to the Nasdaq Data Add-On service if the MPID is currently subscribed to either the NASDAQ OMX BX or NASDAQ OMX PSX ("PSX")[21] Short Sale Monitor. NASDAQ OMX BX and NASDAQ OMX PHLX, as the SRO that operates PSX, will offer[22] the Short Sale Monitor to their members for a price identical to that of NASDAQ's at $750 per MPID, per month. NASDAQ notes that the Short Sale Monitor of each of the three exchanges offers the identical service and access to data. As such, NASDAQ does not believe that it is appropriate to charge members of NASDAQ an additional fee of $750 per MPID, per month if the member currently subscribes to the Short Sale Monitor offered by another NASDAQ OMX exchange.[23] Accordingly, NASDAQ believes that a member should only pay for the market-specific data if it has a pre-existing subscription to the Short Sale Monitor, irrespective of the NASDAQ OMX exchange through which it subscribes.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with Section 6(b) of the Act in general,[24] and Section 6(b)(4) of the Act[25] specifically, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASDAQ operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers. NASDAQ believes that offering the Short Sale Monitor at no cost on a trial basis, and for a fee of $750 per MPID, per month thereafter, and the Nasdaq Data Add-On at no cost on a trial basis, and for a fee of $150 per MPID, per month thereafter is fair and provides an equitable allocation of fees in that subscription is voluntary and it will apply uniformly to all members that use the FINRA/NASDAQ TRF or execute on NASDAQ, as applicable, and elect to subscribe to one or both of the services. Further, NASDAQ believes that, as discussed above, waiving the Short Sale Monitor fee for a member seeking a subscription to the Nasdaq Data Add-On is appropriate in cases where the member has subscribed the MPID to the Short Sale Monitor of NASDAQ OMX BX or PSX. As noted, the Short Sale Monitors of the NASDAQ OMX exchanges provide identical services and are offered at an identical fee. As such, NASDAQ does not believe requiring a firm to subscribe to a redundant service solely to access NASDAQ-specific data is an equitable allocation of fees. NASDAQ notes that subscribing members may cancel their subscription(s) at any time prior to the expiration of the trial period at no cost. The proposed fee will apply to all members equally based on the number of MPIDs subscribed. The proposed fee will cover the costs associated with separately offering the service, responding to customer requests, configuring NASDAQ's systems, programming to user specifications, and administering the service, among other things, and may provide NASDAQ with a profit to the extent costs are covered.

NASDAQ also believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act[26] because it is designed to, among other things, prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to foster cooperation and coordination with persons engaged in facilitating transactions in securities. The Short Sale Monitor will assist subscribing member firms in monitoring their compliance with the amendments

[15] *See supra* note 4, 75 FR at 11275–76.

[16] FINRA recently amended its rules to conform them to the requirements of the changes made by the Commission to Regulation SHO, including amending its trade reporting rules applicable to over-the-counter trades in NMS stocks to reintroduce the short sale exempt category. *See* Securities Exchange Act Release No. 63032 (December 4, 2010), 75 FR 62439 (December 8, 2010) (SR–FINRA–2010–043).

[17] *See also* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A Nos. 5.4 and 5.5.

[18] The Commission notes that broker-dealers subscribing to the Short Sale Monitor and Data Add-On service remain responsible for compliance with Rule 201 of Regulation SHO.

[19] *Supra* note 4.

[20] *See* NASDAQ Rule 7049 (explaining the InterACT service).

[21] NASDAQ OMX PSX is the equity trading facility of the NASDAQ OMX PHLX exchange.

[22] NASDAQ OMX BX and NASDAQ OMX PHLX have filed related rule changes with the Commission concurrent with NASDAQ's filing. *See* SR–BX–2011–008 and SR–Phlx–2011–17.

[23] Rule changes proposed by both NASDAQ OMX BX and NASDAQ OMX PHLX provide an identical waiver of the Short Sale Monitor fee.

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(4).

[26] 15 U.S.C. 78f(b)(5).

to Regulation SHO under the Act[27] with respect to trades reported to the FINRA/NASDAQ TRF. NASDAQ notes that the Short Sale Monitor is similar to NASDAQ's InterACT service,[28] which allows member firms to supervise trade activity required to be reported to the FINRA/NASDAQ TRF, and provides member firms with real time totals of open trades awaiting review and acceptance within the twenty minute period required by FINRA Rule 7230A(b). As noted above, the Short Sale Monitor is similar to this service in that it provides member firms with post-trade analysis of their trades for compliance with regulatory obligations. In the case of the Short Sale Monitor and Nasdaq Data Add-On, such analysis include trades reported to the FINRA/NASDAQ TRF and trades executed on NASDAQ marked "short exempt" in covered securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[29] and subparagraph (f)(2) of Rule 19b–4 thereunder.[30] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2011–024 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–NASDAQ–2011–024. This file number should be included on the subject line if e-mail is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices 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–NASDAQ–2011–024, and should be submitted on or before March 11, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–3690 Filed 2–17–11; 8:45 am]

BILLING CODE 8011–01–P

[27] *Supra* note 4.

[28] *Supra* note 20.

[29] 15 U.S.C. 78s(b)(3)(a)(ii).

[30] 17 CFR 240.19b–4(f)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63907; File No. SR–BX–2011–008]

Self-Regulatory Organizations; NASDAQ OMX BX; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish and Adopt Fees for the New Short Sale Monitor Service and BX Data Add-On

February 14, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 4, 2011, NASDAQ OMX BX, Inc. ("BX"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by BX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

BX proposes to adopt a fee for the Short Sale Monitor and the BX Data Add-On, a new service and related add-on data that assist subscribers in complying with new requirements arising from recent amendments to Regulation SHO. BX will implement the service as soon as practicable following the effective date of the filing.

The text of the proposed rule change is below. Proposed new language is *italicized.*

* * * * *

7055. Short Sale Monitor

(a) The Short Sale Monitor is a real-time surveillance and alert tool that assists member firms with monitoring and post trade analysis of their short sale and short sale exempt trades reported to the FINRA/NASDAQ Trade Reporting Facility (TRF), which includes real-time alerts of covered securities subject to the restrictions of SEC Rule 201, reports of a member firm's trades marked as "short" that are subject to the restrictions of SEC Rule 201, and reports of a member firm's trades marked as "short exempt."

The Short Sale Monitor is available to each member firm at no cost for a trial period ending March 31, 2011, and for a fee of $750 per MPID, per month thereafter.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(b) The BX Data Add-On service provides an MPID subscribed to the Short Sale Monitor subscription with a record of trades in covered securities executed on BX that are marked "short exempt." The BX Data Add-On service is available at no cost for a trial period ending March 31, 2011, and for a fee of $50 per MPID, per month. An MPID subscribed to the Short Sale Monitor of NASDAQ or NASDAQ OMX PSX need not subscribe additionally to the BX Short Sale Monitor to subscribe to the BX Data Add-On service.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, BX 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. BX 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

BX is proposing to adopt Rule 7055(a), establishing the Short Sale Monitor offered to subscribing member firms at no cost through March 31, 2011 and for a fee of $750 per market participant identifier ("MPID"), per month thereafter. The Short Sale Monitor is a new service that provides subscribers with real-time surveillance of trades reported to the FINRA/Nasdaq Trade Reporting Facility ("FINRA/NASDAQ TRF")[3] marked as "short" and "short exempt" to assist them in monitoring their compliance with amendments to Regulation SHO under the Act.[4] The Commission recently amended Regulation SHO to adopt a new short sale-related circuit breaker combined with an alternative uptick rule under Rule 201.[5] The new rule imposes a restriction on the price at which a security may be sold short if the circuit breaker is triggered. Specifically, the new rule requires trading centers,[6] which include self-regulatory organizations ("SROs"), to establish, maintain and enforce written policies and procedures reasonably designed to prevent the execution or display of short sale orders in a covered security[7] at a price that is less than or equal to the current national best bid[8] if the price of that covered security decreases by 10% or more from its closing price as determined by the listing market[9] as of the end of regular trading hours on the prior day.[10] In addition, the rule requires that the trading center establish, maintain, and enforce written policies and procedures reasonably designed to impose this short sale price test restriction for the remainder of the day and the following day when a national best bid for the covered security is calculated and disseminated on a current and continuing basis by a plan processor pursuant to an effective national market system plan.[11] Trading centers are required to regularly surveil to ascertain the effectiveness of these policies and procedures. Rule 201 generally permits short selling at a price above the current national best bid during the time a short sale price test restriction is in effect for a covered security.

The Commission also amended Regulation SHO to provide that a broker-dealer may mark certain qualifying sell orders "short exempt."[12] If a broker-dealer marks an order "short exempt," it is not subject to the short sale price test restrictions of Rule 201 and can be executed by a trading center without regard to its price.[13] Paragraphs (c) and (d) of Rule 201 specify the circumstances under which a broker-dealer may mark certain sale orders as "short exempt."[14] If a broker-dealer chooses to rely on its own determination that it is submitting a short sale order to the trading center at a price that is above the current national best bid at the time of submission under Rule 201(c) or to rely on an exception specified in Rule 201(d), it may mark the order "short exempt." The Commission noted in adopting the "short exempt" marking requirement that it will both provide a record of broker-dealers availing themselves of the provisions of paragraphs (c) or (d) to the rule and aid surveillance by SROs and the Commission for compliance with the provisions of Rule 201.[15]

The Short Sale Monitor provides subscribing member firms with a tool to aid them in monitoring their trades reported into the FINRA/NASDAQ TRF for compliance with the requirements of the amended rules.[16] Accessed through either a Workstation or Weblink ACT 2.0 terminal, the Short Sale Monitor provides subscribers with notifications of their reported trades marked "short" and "short exempt" for covered securities subject to the short sale price

[3] The FINRA/NASDAQ TRF is a facility of FINRA operated by The NASDAQ OMX Group, Inc.

[4] Securities Exchange Act Release No. 61595 (February 26, 2010), 75 FR 11232 (March 10, 2010) (amending Rule 201 and Rule 200(g) of Regulation SHO). The amendments to Rules 201 and 200(g) of Regulation SHO have a compliance date of February 28, 2011. *See* Securities Exchange Act Release No. 63247 (November 4, 2010), 75 FR 68702 (November 9, 2010) (extending the compliance date of the amendments to Rules 201 and 200(g) of Regulation SHO from November 10, 2010 until February 28, 2011).

[5] 17 CFR 242.201.

[6] Rule 201(a)(9) defines the term "trading center" as having the same meaning as in Rule 600(b)(78) of Regulation NMS. Rule 600(b)(78) defines a "trading center" as "a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent." 17 CFR 242.600(b)(78).

[7] Rule 201(a)(1) defines the term "covered security" for purposes of Rule 201. *See* 17 CFR 242.201(a)(1). Rule 201(a)(1) defines "covered security" to mean any "NMS stock" as defined under Rule 600(b)(47) of Regulation NMS. Rule 600(b)(47) of Regulation NMS defines an "NMS stock" as "any NMS security other than an option." 17 CFR 242.600(b)(47). Rule 600(b)(46) of Regulation NMS defines an "NMS security" as "any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in listed options." 17 CFR 242.600(b)(46).

[8] Rule 201(a)(4) defines the term "national best bid" for purposes of Rule 201. *See* 17 CFR 242.201(a)(4).

[9] Rule 201(a)(3) defines the term "listing market" for purposes of Rule 201. *See* 17 CFR 242.201(a)(3).

[10] 17 CFR 242.201(b)(1)(i).

[11] 17 CFR 242.201(b)(1)(ii). Further, if the price of a covered security declines intra-day by at least 10% on a day on which the security is already subject to the short sale price test restriction of Rule 201, the restriction will be re-triggered and, therefore, will continue in effect for the remainder of that day and the following day. Rule 201 does not place any limit on the frequency or number of times the circuit breaker can be re-triggered with respect to a particular stock. *See* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A No. 2.2 (*http://sec.gov/divisions/marketreg/rule201faq.htm*).

[12] Formerly, Rule 200(g) of Regulation SHO provided that a broker-dealer must mark all sell orders of any security as "long" or "short." As amended, Rule 200(g) now provides a "short exempt" marking requirement. 17 CFR 242.200(g). Rule 200(g)(2) provides that a sale order may only be marked "short exempt" if the provisions of Rule 201(c) or Rule 201(d) are met. 17 CFR 242.200(g)(2). *See supra* note 4. *See also* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A Nos. 5.4 and 8.1.

[13] 17 CFR 242.201(b)(1)(iii)(B).

[14] 17 CFR 242.201(c); 17 CFR 242.201(d).

[15] *See supra* note 4, 75 FR at 11275—76.

[16] FINRA recently amended its rules to conform them to the requirements of the changes made by the Commission to Regulation SHO, including amending its trade reporting rules applicable to over-the-counter trades in NMS stocks to reintroduce the short sale exempt category. *See* Securities Exchange Act Release No. 63032 (December 4, 2010), 75 FR 62439 (December 8, 2010) (SR–FINRA–2010–043).

test restrictions of Rule 201. Specifically, the Short Sale Monitor will provide subscribers notice of covered securities subject to the restrictions of Rule 201, and provide access to historical lists of such covered securities. In addition, the Short Sale Monitor will provide notice of trades in covered securities that are: (i) Subject to the short sale price test restriction, and marked "short," (ii) subject to the short sale price test restriction, and marked "short exempt," (iii) subject to the short sale price test restriction, and sold above the current national best bid at the time of trade execution time, and (iv) not subject to the short sale price test restriction, but marked "short exempt." [17] The Short Sale Monitor will provide this information to a subscribing firm both as real-time alerts and through a historical database of the firm's trades that prompted the alerts, which will assist the firm in meeting its obligation to ascertain the effectiveness of its policies and procedures.[18] As such, member firms will have a useful compliance tool with which they can monitor, post-trade, their compliance with the amendments to Regulation SHO under the Act.[19] In this regard, the Short Sale Monitor is similar to NASDAQ's InterACT service in that it provides member firms with post-trade analysis of their trades for compliance with regulatory obligations.[20] Lastly, BX will supplement and enhance the Short Sale Monitor as needed to address any amendments to Regulation SHO or other related rules, and from time to time will make changes to enhance the service.

BX is also proposing to adopt Rule 7055(b) to establish the BX Data Add-On service as an additional service to an existing Short Sale Monitor subscription, which will provide subscribers with access to records of their trades in covered securities subject to the short sale price restrictions of Rule 201 executed on BX and marked "short exempt." The proposed add-on service will be offered at no cost through March 31, 2011, and for an additional fee of $150 per MPID, per month thereafter. As noted above, to be eligible for the BX Data Add-On service a member's MPID must first be subscribed to the Short Sale Monitor.

Last, BX is proposing waive the Short Sale Monitor fee of Rule 7055(a) for members seeking to subscribe to the BX Data Add-on service if the MPID is currently subscribed to either the NASDAQ or NASDAQ OMX PSX ("PSX") [21] Short Sale Monitor. NASDAQ and NASDAQ OMX PHLX, as the SRO that operates PSX, will offer [22] the Short Sale Monitor to their members for a price identical to that of BX's at $750 per MPID, per month. BX notes that the Short Sale Monitor of each of the three exchanges offers the identical service and access to data. As such, BX does not believe that it is appropriate to charge members of BX an additional fee of $750 per MPID, per month if the member currently subscribes to the Short Sale Monitor offered by another NASDAQ OMX exchange.[23] Accordingly, BX believes that a member should only pay for the market-specific data if it has a pre-existing subscription to the Short Sale Monitor, irrespective of the NASDAQ OMX exchange through which it subscribes.

2. *Statutory Basis*

BX believes that the proposed rule change is consistent with Section 6(b) of the Act in general,[24] and Section 6(b)(4) of the Act [25] specifically, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the BX operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers. BX believes that offering the Short Sale Monitor at no cost on a trial basis, and for a fee of $750 per MPID, per month thereafter, and the BX Data Add-On at no cost on a trial basis, and for a fee of $50 per MPID, per month thereafter is fair and provides an equitable allocation of fees in that subscription is voluntary and it will apply uniformly to all members that use the FINRA/NASDAQ TRF or execute on BX, as applicable, and elect to subscribe to one or both of the services. Further, BX believes that, as discussed above, waiving the Short Sale Monitor fee for a member seeking a subscription to the BX Data Add-On is appropriate in cases where the member has subscribed the MPID to the Short Sale Monitor of NASDAQ or PSX. As noted, the Short Sale Monitors of the NASDAQ OMX exchanges provide identical services and are offered at an identical fee. As such, BX does not believe requiring a firm to subscribe to a redundant service solely to access BX-specific data is an equitable allocation of fees. BX notes that subscribing members may cancel their subscription(s) at any time prior to the expiration of the trial period at no cost. The proposed fee will apply to all members equally based on the number of MPIDs subscribed. The proposed fee will cover the costs associated with separately offering the service, responding to customer requests, configuring BX's systems, programming to user specifications, and administering the service, among other things, and may provide BX with a profit to the extent costs are covered.

BX also believes that the proposed rule change is consistent with the provisions of Section 6(b)(5) of the Act [26] because it is designed to, among other things, prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to foster cooperation and coordination with persons engaged in facilitating transactions in securities. The Short Sale Monitor will assist subscribing member firms in monitoring their compliance with the amendments to Regulation SHO under the Act [27] with respect to trades reported to the FINRA/NASDAQ TRF. BX notes that the Short Sale Monitor is similar to NASDAQ's InterACT service,[28] which allows member firms to supervise trade activity required to be reported to the FINRA/NASDAQ TRF, and provides member firms with real time totals of open trades awaiting review and acceptance within the twenty minute period required by FINRA Rule 7230A(b). As noted above, the Short Sale Monitor is similar to this service in that it provides member firms with post-trade analysis of their trades for compliance with regulatory obligations. In the case of the Short Sale Monitor and BX Data Add-On, such analysis include trades reported to the FINRA/NASDAQ TRF and trades executed on BX marked "short exempt" in covered securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

BX does not believe that the proposed rule change will result in any burden on competition that is not necessary or

[17] *See also* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, Q&A Nos. 5.4 and 5.5.

[18] The Commission notes that broker-dealers subscribing to the Short Sale Monitor and Data Add-On service remain responsible for compliance with Rule 201 of Regulation SHO.

[19] *Supra* note 4.

[20] *See* NASDAQ Rule 7049 (explaining the InterACT service).

[21] NASDAQ OMX PSX is the equity trading facility of the NASDAQ OMX PHLX exchange.

[22] NASDAQ and NASDAQ OMX PHLX have filed related rule changes with the Commission concurrent with BX's filing. *See* SR–NASDAQ–2011–024 and SR–Phlx–2011–17.

[23] Rule changes proposed by both NASDAQ and NASDAQ OMX PHLX provide an identical waiver of the Short Sale Monitor fee.

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(4).

[26] 15 U.S.C. 78f(b)(5).

[27] *Supra* note 4.

[28] *Supra* note 20.

appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [29] and subparagraph (f)(2) of Rule 19b–4 thereunder.[30] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2011–008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2011–008. This file number should be included on the subject line if e-mail is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2011–008, and should be submitted on or before March 11, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–3691 Filed 2–17–11; 8:45 am]

BILLING CODE 8011–01–P

[29] 15 U.S.C. 78s(b)(3)(a)(ii).

[30] 17 CFR 240.19b–4(f)(2).

[31] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Docket No. SBA 2011–0003]

Community Advantage Pilot Program

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice and request for comments.

SUMMARY: SBA is introducing a new pilot loan program called "Community Advantage" to provide 7(a) loan guaranties to small businesses in underserved markets, including Veterans and members of the military community. The Community Advantage Pilot Program will allow mission oriented lenders, primarily non-profit financial intermediaries that are focused on economic development in underserved markets, access to 7(a) loan guaranties for loans of $250,000 or less.

DATES: *Effective Date:* The Community Advantage Pilot Program will be effective on February 15, 2011, and will remain in effect through March 15, 2014. SBA will begin accepting applications from lenders for participation in the Community Advantage Pilot Program February 15, 2011.

Comment Date: Comments must be received on or before April 19, 2011.

ADDRESSES: You may submit comments, identified by SBA docket number SBA–2011–0003 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Community Advantage Pilot Program Comments—Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Suite 8300, Washington, DC 20416.
- *Hand Delivery/Courier:* Grady B. Hedgespeth, Director, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

SBA will post all comments on *http://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the information to Grady B. Hedgespeth, Director, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416, or send an e-mail to *communityadvantage@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: Grady B. Hedgespeth, Director, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416; (202) 205–7562; *grady.hedgespeth@sba.gov.*

SUPPLEMENTARY INFORMATION: SBA is implementing a new pilot loan program called Community Advantage (CA) to provide 7(a) loan guaranties to small businesses located in underserved markets and to veterans and other members of the military community. This new pilot program will replace the current Community Express Pilot Loan Program, which has been extended through April 30, 2011. (75 FR 80561, December 22, 2010) No new Community Express Pilot Loan Program loans will be approved after that date.

1. Background

The Community Express Pilot Loan Program was created over 11 years ago and combined the delegated and expedited SBA Express processing flexibility with a requirement that

Community Express borrowers be provided with management and technical assistance (M&TA). The M&TA was intended to mitigate risks and to provide support for offering the higher 7(a) guaranty levels as opposed to the 50% guaranty on SBA Express products. Because Community Express was a pilot program it was statutorily limited to no more than 10% of the number of 7(a) guaranteed loans in any given fiscal year.

The Community Express product has resulted in loans to new businesses, minority-owned businesses and other underserved sectors; however, it has consistently ranked as SBA's highest loss product, even when controlling for loan size, and it has never had widespread acceptance by SBA lenders or good geographical dispersion. Throughout its history, Community Express has had significantly higher default rates (almost 40% of loans defaulted in certain cohort years) compared with other similarly sized 7(a) loans, which also resulted in higher net losses because most Community Express loans are unsecured. In addition, the difficulty of coordinating and ensuring efficient access to quality management and technical assistance to borrowers resulted in large lenders abandoning the product a few years after its creation. Many commercial lenders may not have been willing or able to meet SBA's technical assistance delivery and reporting requirements because the provision and reporting of management and technical assistance is not normally part of their lending model. Eventually, less than 5% of SBA's active lenders were using the product and most of the activity was concentrated in a handful of lenders (three lenders comprised approximately 85% of the Community Express loan volume in recent years, one of which has been taken over by the FDIC and is no longer in operation).

For the reasons discussed above, SBA is replacing Community Express with the new Community Advantage Pilot Program designed to reach underserved markets more efficiently and effectively and at a lower cost to the taxpayer.

2. Comments

Although the new Community Advantage Pilot Program will be effective February 15, 2011, comments are solicited from interested members of the public on all aspects of the new pilot program. These comments must be submitted on or before the deadline for comments listed in the **DATES** section. The SBA will consider these comments and the need for making any revisions as a result of these comments.

3. Community Advantage Pilot Program

Overview

The Community Advantage Pilot Program (CA Pilot Program) will allow mission oriented lenders, primarily non-profit financial intermediaries that are focused on economic development in underserved markets, access to 7(a) loan guaranties for loans of $250,000 or less. For purposes of the CA Pilot Program, the underserved markets will include: (1) Low-to-Moderate Income (LMI) communities (while not a specific requirement, CA Lenders are encouraged to serve low and very-low income communities); (2) Empowerment Zones and Enterprise Communities; (3) HUBZones; (4) New businesses, *e.g.,* firms in business for no more than two years; (5) Businesses eligible for Patriot Express, including Veteran-owned businesses; and (6) Firms where more than 50% of their full time workforce is low-income or resides in LMI census tracts.

The CA Pilot Program will be effective February 15, 2011 and will continue through March 15, 2014.

Key features of the new CA Pilot Program are set forth below. More detailed guidance on the CA Pilot will be provided in a participant guide ("Community Advantage Participant Guide") that will be available on SBA's Web site at *http://www.sba.gov.*

Eligible Lenders

The long experience of Community Express indicates that the participating lenders have not been able to lend successfully in these target markets and maintain acceptable losses. SBA believes that an alternate distribution channel, of community-based, mission lenders, will mitigate the risks associated with lending in these markets, reduce losses, deploy more capital and enhance access to capital for a number of underserved groups. In this pilot, SBA will leverage three historically successful programs of mission-based lending. During the pilot, Community Advantage will only be open to: (1) Community Development Financial Institutions (CDFIs) certified by the U.S. Treasury, but that do not have a Federal financial regulator; (2) SBA Certified Development Companies (CDCs); and (3) SBA Microlenders.

Any lender who is already participating in SBA's 7(a) program, as evidenced by an executed Loan Guaranty Agreement (SBA Form 750), is not eligible to participate in the CA Pilot Program, but should continue to use the 7(a) loan program in that lender's current capacity. Other lenders that are not eligible for the CA Pilot Program but are eligible for the 7(a) loan program are encouraged to apply to participate in the 7(a) loan program by contacting their local SBA Field Office. The local SBA Field Office may be found at *http://www.sba.gov/local.*

Process To Become a CA Lender

Eligible organizations will apply to SBA for approval to participate in the CA Pilot Program. The application will be available on SBA's Web site at: *http://archive.sba.gov/tools/Forms/SBApartnerforms/index.html.* A lender's application to participate in the CA Pilot Program also should indicate whether or not the lender wishes to apply to sell CA loans in SBA's secondary market.

The application will be evaluated and a decision made for participation in the CA Pilot Program. As part of this evaluation, a determination as to whether the lender may be granted "delegated authority" for the CA Pilot Program and whether the lender may participate in the secondary market, if applicable, also will be made. If an applicant is approved to participate, it will be designated a Community Advantage Lending Company (CA Lender). Also, if approved to participate in the CA Pilot Program, the lender will not be able to make 7(a) loans other than through the pilot.

Each CA Lender will be identified as either a Small Business Lending Company (SBLC) or a Non-Federally Regulated Lender (NFRL), depending on whether the lender is subject to regulation by a State. Accordingly, all CA Lenders will be SBA Supervised Lenders, as that term is defined in 13 CFR 120.10, and will be subject to all regulations applicable to such lenders unless specifically waived or modified in the regulatory waiver section of this Notice.

Approval to participate in the CA Pilot Program will be for the three year period of the pilot. If the CA Pilot Program is not extended, each CA Lender will be required to continue to service and liquidate its CA loans in accordance with the terms of the pilot, but will not be able to make any new CA loans. If the CA Pilot Program is extended or made permanent, each CA Lender's authority to participate will be renewed based on the CA Lender's compliance with the program requirements, including the requirement to make 60% of their loans to small businesses in the CA underserved markets.

Reserve Requirement

CA Lenders are required to create a Loan Loss Reserve Account (LLRA) to cover potential losses arising from defaulted loans. The reserve fund is to cover both losses from the unguaranteed portion of defaulted loans as well as possible repairs and denials associated with SBA's guaranty on the defaulted loan. The LLRA must be maintained separate from other reserve accounts the CA Lender may maintain and it must be deposited in a Federally insured demand, savings or certificate of deposit account in an amount, to the extent practicable, not in excess of the maximum insured amount. The LLRA cannot be commingled with any other loan loss reserve fund of the CA Lender, its parent or related entities. The LLRA must equal 15 percent of the outstanding amount of the unguaranteed portion of a CA Lender's CA loan portfolio including loans sold in the secondary market. The CA Lender must reconcile the LLRA and, if necessary, add funds to the LLRA on a monthly basis to ensure the appropriate amount is maintained. The CA Lender's audited financial statements must include an assessment of the lender's compliance with loan loss reserve account requirements for the CA Pilot Program. Failure to maintain the loan loss reserve account as required may result in removal from the CA Loan Program and/or the imposition of additional controls or reserve amounts. SBA in its discretion may require additional amounts to be included in the LLRA based on the risk characteristics and performance of the CA Lender. SBA microloan intermediaries may not use their SBA intermediary loan to fund the reserve for CA loans (nor may they use it to fund CA loans).

In connection with the reserve requirement, SBA particularly would like to solicit comments regarding any implications this, or other pilot requirements, might have on State-chartered pilot participants in regards to Federalism, as expressed in Executive Order 13132, Federalism. The Executive Order requires SBA to have a process to ensure meaningful and timely input by State and local officials in the development of policies that have substantial direct effects on the States, the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Since the pilot reserve requirement is for participants agreeing to be in the pilot, SBA believes that it can work in concert with any existing State loan loss reserve requirements. We are also interested in comments discussing this and any other issues arising from this pilot that might have implications for State-chartered institutions.

CA Loans

The loan terms and conditions of CA loans are the same as standard 7(a) loans with the following exceptions: (1) The maximum loan amount is $250,000; (2) the maximum allowable interest rate is prime + 4%; and (3) revolving loans are not allowed in the CA Pilot. While management and technical assistance (M&TA) is not required for each CA loan, it is encouraged and, if any has been provided prior to the application for loan guaranty, information concerning the M&TA will be identified on the application. Although not every CA loan must be made to a small business in the underserved markets identified above, CA Lenders will be required to demonstrate annually that 60% of their CA loans have been made to such small businesses. SBA Microlenders may not use their SBA intermediary loan to fund either the CA loan or the required loan loss reserve account for CA loans.

All CA borrowers must meet the eligibility requirements of standard 7(a) loans, as set forth in 13 CFR part 120 and Standard Operating Procedure (SOP) 50 10 5(C), Subpart B, Chapter 2. CA Lenders are to follow the credit underwriting procedures for the Small/Rural Lender Advantage (S/RLA) loan program as set forth in SOP 50 10 5(C), Subpart B, Chapter 4. Additionally, CA Lenders are to follow the collateral and environmental requirements applicable to standard 7(a) loans, which also are set forth in SOP 50 10 5(C), Subpart B, Chapter 4. (The SOP 50 10 5(C) can be found on SBA's Web site at: *http://archive.sba.gov/tools/resourcelibrary/sops/index.html*.) SBA Microlenders may not use their SBA intermediary loan to fund CA loans. CA loans may not be used to refinance loans made by or guaranteed by the Department of Agriculture or loans made by SBA microlenders using their SBA intermediary loan.

Allowable Fees

The SBA guaranty fee and the lender's annual service fee set forth in 13 CFR 120.220 apply to loans approved under the CA Pilot Program and CA Lenders may charge the borrower the same fees allowed under SBA's standard 7(a) loan program as set forth in 13 CFR 120.221 and 120.222.

Secondary Market and Participating Lender Financings or Other Conveyances

Qualified CA Lenders will be allowed to sell SBA loan guaranties made under the CA Pilot Program on the secondary market provided they comply with Agency regulations at 13 CFR part 120, subpart F—Secondary Market.

SBA loan guaranties approved under the CA Pilot Program, however, may not be included in any participating lender financings or other conveyances, including securitizations, participations and pledges.

Application Forms and Authorization

CA Lenders will utilize the application forms required for the S/RLA process, as set forth in SOP 50 10 5(C), Subpart B, Chapter 6. More specific guidance on the application forms, including the addendum for CA loans to identify any management and technical assistance the applicant may have received, will be provided in the Community Advantage Participant Guide, which will be available on SBA's Web site.

In addition, the CA Lender will be required to execute an SBA Authorization ("Authorization") for each CA loan. The Authorization is SBA's written agreement between the SBA and the CA Lender providing the terms and conditions under which SBA will guarantee a business loan. For further guidance on the Authorization, see SOP 50 10 5(C), Subpart B, Chapter 5.

CA Lenders are to follow the loan closing and disbursement requirements set forth in SOP 50 10 5(C), Subpart B, Chapter 7.

CA Lenders must follow the servicing and liquidation requirements set forth in 13 CFR 120.535 and 120.536 and SOPs 50 50 and 50 51. (SOPs 50 50 and 50 51 can be found at *http://archive.sba.gov/tools/resourcelibrary/sops/index.html*.)

Guaranty Purchase

Under the CA Pilot Program, loans will be subject to SBA's requirements regarding purchase of its guaranty as set forth in 13 CFR 120.520 through 120.524 and Chapters 22 & 23 of SOP 50 51 3.

Reporting Requirements

CA Lenders will be required to submit annual reports demonstrating compliance with their business plan and showing that 60% of CA loans have been made to small businesses in the CA underserved markets identified above.

Additionally, CA Lenders will be required to submit quarterly reports,

including balance sheet, LLRA levels and income statements.

CA Lenders will be required to report on the status of their CA loans on SBA Form 1502 in accordance with SOP 50 10 5(C), Subpart B, Chapter 8. (SBA Form 1502 can be found at *http://www.colsonservices.com/main/f_n_r_main.shtml.*)

In addition, CA Lenders will be required to comply with the reporting requirements in 13 CFR 120.464.

Lender Oversight

CA Lender oversight procedures shall follow the requirements set forth in 13 CFR Part 120—Subpart I and SOPs 50 53 (Lender Supervision and Enforcement) and 51 00 (On-Site Lender Reviews and Examinations). (The SOPs can be found at: *http://archive.sba.gov/tools/resourcelibrary/sops/index.html.*) CA Lenders will be monitored both for performance and other risk characteristics as well as for compliance with the requirements of the CA Pilot Program. The CA Lender must maintain compliance with its business plan and the requirement that 60% of the lender's CA loans have been made to small businesses in the underserved markets, along with other program requirements.

Office of Credit Risk Management (OCRM) off-site monitoring will be conducted using the Loan and Lender Monitoring System (L/LMS). L/LMS details historical, current and projected performance data for each individual lender. As noted above, CA Lenders will be required to submit both Quarterly Reports and Annual Reports. Lender review/examination cycles will vary based upon the underlying risk their SBA portfolio poses. Lender reviews/examinations will follow the requirements set forth in 13 CFR 120.1025 through 120.1060 and SOP 51 00.

OCRM will conduct desk reviews, targeted reviews, on-site reviews, expanded on-site reviews and/or examinations based on the lender's level of activity, performance metrics, risk rating and other risk characteristics. All participating lenders will receive an examination or a review after the first year of operation. CA lenders will pay the costs of such reviews and/or examinations and, if assessed by SBA, other lender oversight activities, as set forth in 13 CFR 120.1070.

CA Lenders also will be subject to 13 CFR 120.1400 through 120.1600 and the provisions of SOP 50 53 concerning supervision and enforcement.

Regulatory Waivers

Pursuant to the authority provided to SBA under 13 CFR 120.3 to suspend, modify or waive certain regulations in establishing and testing pilot loan initiatives for a limited period of time, SBA will modify or waive as appropriate the following regulations, which otherwise apply to 7(a) loans, for the CA Pilot Program only: (1) 13 CFR 120.10, which defines various terms applicable to the 7(a) loan program, including the term "Small Business Lending Company" and which states that SBA has imposed a moratorium on licensing new SBLCs since January 1982, is being waived only to allow organizations that meet the definition of an SBLC but that do not currently have an SBLC license to participate in the CA Pilot Program; (2) 13 CFR 120.151, which states the statutory limit for total loans to a borrower and the maximum loan amount for a 7(a) loan, is being modified because the maximum loan amount under the CA Pilot Program is $250,000; (3) 13 CFR 120.213, 120.214 and 120.215, which set the maximum interest rates lenders may charge on standard 7(a) loans, are being waived as the maximum allowable interest rate for CA loans will be prime + 4%; (4) 13 CFR 120.420 through 120.435, which govern participant lender financings and other conveyances, including securitizations, participations and pledges, are being waived as CA Lenders will not be allowed to include CA loans in participant lender financings or other conveyances, including securitizations, participations and pledges; (5) 13 CFR 120.452, which describes the requirements for PLP loan processing, is being modified because CA Lenders with delegated authority will be required to comply with these requirements even though they will not be PLP lenders; (6) 13 CFR 120.462, which describes the additional requirements on capital maintenance SBA requires for SBA Supervised Lenders, is being waived as CA Lenders will not be subject to these requirements because CA Lenders will be required to maintain a separate Loan Loss Reserve Account for their CA loans; (7) 13 CFR 120.463(a), which describes the regulatory accounting requirements for SBA Supervised Lenders is being modified as CA Lenders will not be required to keep their books and records on an accrual basis; (8) 13 CFR 120.463(e)(1), which requires SBA Supervised Lenders to maintain loan loss allowances, is being waived because CA Lenders will be required to maintain a separate Loan Loss Reserve Account as described previously in this notice to cover losses on their CA loan portfolio; (9) 13 CFR 120.470(a), which states that an SBLC may only make loans under section 7(a) of the Small Business Act or loans to Intermediaries under the Microloan program, is being waived because a CA Lender may only make loans under the CA Pilot Program; (10) 13 CFR 120.471(a) and (b), which describe the minimum capital requirements for SBLCs and the composition of the capital, are being waived as CA Lenders will not be subject to these requirements because CA Lenders will be required to maintain a separate Loan Loss Reserve Account for their CA loans and because CA Lenders are generally non-profit organizations with less capitalization and SBA will evaluate their capital base as part of the CA Lender approval process; and (11) 13 CFR 120.852(a), which prohibits a CDC from investing in or being an affiliate of a lender participating in the 7(a) loan program, is being waived in order to allow CDCs or their affiliates to participate in the CA Pilot Program.

SBA is particularly interested in comments discussing the regulatory accounting requirements for CA Lenders.

All provisions of the Small Business Act applicable to the 7(a) loan program apply to loans made under this pilot. Unless waived or modified by this Notice, all regulations applicable to the 7(a) loan program apply to loans made under this pilot. All standard operating procedures applicable to the 7(a) loan program that are not superseded by any provision of this Notice or the Community Advantage Participant Guide apply to loans made under this pilot.

CA Lenders must use prudent lending practices in the making, servicing and liquidating of CA loans and must comply with all SBA Loan Program Requirements.

SBA has provided more detailed guidance in the form of a participant guide which is available on SBA's Web site, *http://www.sba.gov.* SBA may also provide additional guidance, if needed, through SBA notices, which will also be published on SBA's Web site, *http://www.sba.gov.*

Questions on the CA Pilot Program may be directed to the Lender Relations Specialist in the local SBA district office. The local SBA district office may be found at *http://www.sba.gov/local.*

Authority: 15 U.S.C. 636(a)(25) and 13 CFR 120.3.

Karen G. Mills,

Administrator.

[FR Doc. 2011–3758 Filed 2–17–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Federal Regulatory Enforcement Fairness Hearing; National Ombudsman and Region VI Regional Small Business Regulatory Fairness Board

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open hearing of the Regional (Region VI) Small Business Regulatory Fairness Board.

SUMMARY: The SBA, Office of the National Ombudsman is issuing this notice to announce the location, date and time of the Regional Small Business Regulatory Fairness hearing. This hearing is open to the public.

DATES: The hearing will be held on Monday, March 14, 2011, from 9 a.m. to 11:30 a.m. (EST).

ADDRESSES: The hearing will be at the Hilton New Orleans Riverside, Two Poydras Street, 3rd Floor—Belle Chasse Room, New Orleans, LA 70140.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222 and the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, notice is hereby given that the U.S. Small Business Administration (SBA) Region VI Regional Small Business Regulatory Fairness Board and the SBA Office of the National Ombudsman will hold a Regulatory Enforcement Fairness Hearing on Monday, March 14, 2011, at 9 a.m. The hearing will take place at the Hilton New Orleans Riverside, Two Poydras Street, 3rd Floor—Belle Chasse Room, New Orleans, LA 70140. The purpose of the hearing is for Business Organizations, Trade Associations, Chambers of Commerce and related organizations serving small business concerns to report experiences regarding unfair or excessive Federal regulatory enforcement issues affecting their members.

FOR FURTHER INFORMATION CONTACT: The hearing is open to the public; however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to Region VI Regional Small Business Regulatory Fairness Board must contact José Méndez by March 10, 2011, in writing, by fax or e-mail in order to be placed on the agenda. José Méndez, Case Management Specialist, SBA Headquarters, 409 3rd Street, SW., Suite 7125, Washington, DC, phone (202) 205–6178 and fax (202) 481–2707, e-mail: *Jose.mendez@sba.gov.* Additionally, if you need accommodations because of a disability or require additional information, please contact José Méndez as well.

For more information on the Office of the National Ombudsman, see our Web site at *http://www.sba.gov/ombudsman.*

Dated: February 14, 2011.

Dan Jones,

SBA Committee Management Officer.

[FR Doc. 2011–3768 Filed 2–17–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0293]

Convergent Capital Partners II, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Convergent Capital Partners II, L.P., 505 North Highway 169, Suite 245, Minneapolis, MN, a Federal Licensee under the Small Business Investment Act of 1958, as amended ("the Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Convergent Capital Partners II, L.P., proposes to provide debt security financing to Progressive Rail, Inc., 21778 Highview Avenue, Lakeville, MN 55044. The financing is contemplated for growth and general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Convergent Capital Partners II, L.P.'s financing will discharge an obligation of Progressive Rail, Inc., owed to Convergent Capital Partners I, L.P., which is considered an Associate of Convergent Capital Partners II, L.P., as defined in Sec. 105.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: February 11, 2011.

Sean J. Greene,

Associate Administrator for Investment and Innovation.

[FR Doc. 2011–3771 Filed 2–17–11; 8:45 am]

BILLING CODE 8025–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Public Hearing and Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of public hearing and commission meeting.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing as part of its regular business meeting on March 10, 2011, in Huntingdon, Pa. At the public hearing, the Commission will consider: (1) Action on certain water resources projects; (2) the rescission of ten docket approvals; (3) action on three projects involving a diversion; and (4) the request of Marvin Fetterman to reopen Docket No. 20091201. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: March 10, 2011, at 8:30 a.m.

ADDRESSES: Juniata College, William J. von Liebig Center for Science, 1700 Moore Street, Huntingdon, Pa. 16652 (for directions and campus map, *see* Web page *http://www.juniata.edu/about/visit/directions.html*).

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 306; fax: (717) 238–2436; e-mail: *rcairo@srbc.net* or Stephanie L. Richardson, Secretary to the Commission, telephone: (717) 238–0423, ext. 304; fax: (717) 238–2436; e-mail: *srichardson@srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the public hearing and its related action items identified below, the business meeting also includes actions or presentations on the following items: (1) The Morrison Cove Water Resources Study; (2) hydrologic conditions in the basin and strategies for stream gages; (3) administrative approval of flowback reuse involving diversions; (4) a demonstration of the Commission's Web-based Water Resource Portal; (5) a preliminary introduction to dockets; (6) administrative fee authorization for group transfers of approvals; (7) a Migratory Fish Restoration and Management Plan for the Susquehanna River Basin; (8) a request to initiate National Environmental Policy Act (NEPA) Phase of Potential Revision of Low-Flow Regulation at the Cowanesque and Curwensville Lakes; (9) revision of FY–2012 Budget; and 10) ratification/approval of contracts. The Commission will also hear Legal Counsel's report.

Public Hearing—Projects Scheduled for Rescission Action

1. Project Sponsor and Facility: Chief Oil & Gas LLC (Sugar Creek) (Docket No. 20090314), West Burlington Township, Bradford County, Pa.

2. Project Sponsor and Facility: Range Resources—Appalachia, LLC (Lycoming Creek-1) (Docket No. 20080933), Hepburn Township, Lycoming County, Pa.

3. Project Sponsor and Facility: Range Resources—Appalachia, LLC (West Branch Susquehanna River) (Docket No. 20080940), Colebrook Township, Clinton County, Pa.

4. Project Sponsor and Facility: Southwestern Energy Company (Cold Creek) (Docket No. 20090909), Herrick Township, Bradford County, Pa.

5. Project Sponsor and Facility: Southwestern Energy Company (Mill Creek) (Docket No. 20090910), Stevens Township, Bradford County, Pa.

6. Project Sponsor and Facility: Southwestern Energy Company (Ross Creek) (Docket No. 20090911), Stevens Township, Bradford County, Pa.

7. Project Sponsor and Facility: Southwestern Energy Company (Tunkhannock Creek) (Docket No. 20090913), Gibson Township, Susquehanna County, Pa.

8. Project Sponsor and Facility: Southwestern Energy Company (Wyalusing Creek) (Docket No. 20090915), Wyalusing Township, Bradford County, Pa.

9. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek) (Docket No. 20091208), Lewis Township, Lycoming County, Pa.

10. Project Sponsor and Facility: SVC Manufacturing, Inc. (Docket No. 19920907), Fairview Township, Luzerne County, Pa.

Public Hearing—Projects Scheduled for Action

1. Project Sponsor and Facility: Airy View Heights, Inc., Centre Township, Perry County, Pa. Application for groundwater withdrawal of up to 0.465 mgd from Well PW–5.

2. Project Sponsor and Facility: ALTA Operating Company, LLC (DuBois Creek), Great Bend Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.249 mgd.

3. Project Sponsor and Facility: Anadarko E&P Company LP (West Branch Susquehanna River), Colebrook Township, Clinton County, Pa. Application for surface water withdrawal of up to 1.500 mgd.

4. Project Sponsor and Facility: Anadarko E&P Company LP (West Branch Susquehanna River-3), Nippenose Township, Lycoming County, Pa. Modification to increase maximum instantaneous pumping rate within approved daily rate.

5. Project Sponsor and Facility: Cedar Rock Materials Corp., Salem Township, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.720 mgd from Well PW–1.

6. Project Sponsor and Facility: Cedar Rock Materials Corp., Salem Township, Luzerne County, Pa. Application for consumptive water use of up to 0.700 mgd.

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Braintrim Township, Wyoming County, Pa. Application for surface water withdrawal of up to 3.000 mgd.

8. Project Sponsor and Facility: Chief Oil & Gas LLC (Martins Creek), Hop Bottom Borough, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.360 mgd.

9. Project Sponsor: Dean Dairy Holdings, LLC. Project Facility: Swiss Premium Dairy, LLC, North Cornwall Township, Lebanon County, Pa. Modification to increase consumptive water use of up to 0.200 mgd.

10. Project Sponsor and Facility: East Donegal Township Municipal Authority, East Donegal Township, Lancaster County, Pa. Application for groundwater withdrawal of up to 0.260 mgd from Well 1.

11. Project Sponsor and Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, Pa. Application for groundwater withdrawal of up to 1.210 mgd from Well 1.

12. Project Sponsor: Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation, Hazleton City, Luzerne County, Pa. Application for groundwater withdrawal of up to 0.055 mgd from Well MP–1.

13. Project Sponsor: Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation, Hazleton City, Luzerne County, Pa. Application for consumptive water use of up to 0.055 mgd.

14. Project Sponsor and Facility: J–W Operating Company (Abandoned Mine Pool—Unnamed Tributary to Finley Run), Shippen Township, Cameron County, Pa. Application for surface water withdrawal of up to 0.090 mgd.

15. Project Sponsor and Facility: Novus Operating, LLC (Tioga River), Covington Township, Tioga County, Pa. Application for surface water withdrawal of up to 1.750 mgd.

16. Project Sponsor and Facility: Peoples Financial Services Corp. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. Application for surface water withdrawal of up to 0.990 mgd.

17. Project Sponsor and Facility: Range Resources—Appalachia, LLC (West Branch Susquehanna River), Piatt Township, Lycoming County, Pa. Application for surface water withdrawal of up to 3.000 mgd.

18. Project Sponsor and Facility: Southwestern Energy Company (Martins Creek), Brooklyn and Harford Townships, Susquehanna County, Pa. Application for surface water withdrawal of up to 0.997 mgd.

19. Project Sponsor and Facility: Southwestern Energy Company (Tuscarora Creek), Tuscarora Township, Bradford County, Pa. Application for surface water withdrawal of up to 0.500 mgd.

20. Project Sponsor: Spectra Energy Transmission, LLC. Project Facility: TEMAX/TIME III Pipeline (Susquehanna River), East Donegal Township, Lancaster County, Pa. Application for surface water withdrawal of up to 2.880 mgd.

21. Project Sponsor and Facility: Victory Energy Corporation (Pine Creek), Pike Township, Potter County, Pa. Application for surface water withdrawal of up to 0.460 mgd.

Public Hearing—Projects Scheduled for Action Involving a Diversion

1. Project Sponsor: Pennsylvania General Energy Company, L.L.C. Project Facility: Scaffold Lick Pond—1, Liberty Township, McKean County, Pa. Application for an existing into-basin diversion of up to 0.500 mgd from the Ohio River Basin.

2. Project Sponsor: Pennsylvania General Energy Company, L.L.C. Project Facility: Scaffold Lick Pond—2, Liberty Township, McKean County, Pa. Application for an existing into-basin diversion of up to 0.500 mgd from the Ohio River Basin.

3. Project Sponsor: Ultra Resources, Inc. Project Facility: Wayne Gravel Products, Ceres Township, McKean County, Pa. Application for an existing into-basin diversion of up to 1.170 mgd from the Ohio River Basin.

Public Hearing—Request of Marvin Fetterman To Reopen Docket No. 20091201

• Mr. Marvin Fetterman has requested that the Commission, upon its own motion, reopen for further review and comment Commission Docket No. 20091201—Chesapeake Appalachia, LLC; withdrawal from Susquehanna River near Great Bend, Susquehanna County, Pennsylvania. This request is

made pursuant to Commission Regulation 18 CFR § 806.32, under which the Commission may reopen any project approval and make new orders or impose additional conditions to mitigate or avoid adverse impacts or otherwise protect the public health, safety or welfare.

Opportunity To Appear and Comment

Interested parties may appear at the above hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pennsylvania 17102–2391, or submitted electronically to Richard A. Cairo, General Counsel, e-mail: *rcairo@srbc.net* or Stephanie L. Richardson, Secretary to the Commission, e-mail: *srichardson@srbc.net.* Comments mailed or electronically submitted must be received prior to March 4, 2011, to be considered.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 8, 2011.

Thomas W. Beauduy,

Deputy Executive Director.

[FR Doc. 2011–3686 Filed 2–17–11; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fifth Meeting: RTCA Special Committee 224: Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 224 meeting: Airport Security Access Control Systems (Update to DO–230B).

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 224: Airport Security Access Control Systems.

DATES: The meeting will be held March 10, 2011, from 10 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036 in the MacIntosh–NBAA Room and Hilton–ATA Room.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036, telephone (202) 833–9339, fax (202) 833–9434, Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., and Appendix 2), notice is hereby given for a Special Committee 224, Airport Security Access Control Systems (Update to DO–230B):

Agenda

March 10, 2011

- Welcome/Introductions/ Administrative Remarks.
- Review/Approve Summary—Fourth Meeting.
- Report on Security Construction Guidelines Process.
- Workgroup—Final Revision Review.
- Credentialing.
- PACS.
- Biometrics.
- Communications.
- Video.
- Other Input from Members.
- Assignments for Final Review.
- Other Business.
- Establish Agenda for Next Meeting.
- Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on February 11, 2011.

Robert L. Bostiga,

RTCA Advisory Committee.

[FR Doc. 2011–3665 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by California Department of Transportation (Caltrans) pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project, Interstate 15 at Duncan Canyon Road (post mile [PM] 9.82 to PM 11.94) in the City of Fontana, San Bernardino County, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before April 17, 2011. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Kurt Heidelberg, Senior Environmental Planner, Environmental Studies "D" Branch Chief, California Department of Transportation, District 8, 464 W. 4th Street, 6th Floor MS–820, San Bernardino, CA 92401–1400; weekdays 8 a.m. to 4 p.m. (Pacific Time); telephone 909–388–7028; e-mail *Kurt_Heidelberg @dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the FHWA assigned, and the California Department of Transportation (Caltrans) assumed environmental review and consultation responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The proposed project will construct a new interchange on Interstate 15 (I–15) at the existing Duncan Canyon Road overcrossing (Bridge No. 54–980, Post Mile [PM] 11.03) in the City of Fontana, San Bernardino County, California. The proposed interchange will be constructed south of the existing Sierra Avenue Interchange (PM 12.84) and north of the existing Summit Avenue Interchange (PM 9.60) along I–15. The purpose of the project is to: reduce congestion at the existing I–15/Sierra Avenue and I–15/Summit Avenue Interchanges by providing an additional access point to I–15; provide improved regional connectivity to the local transportation network, in conjunction with a number of locally planned roadway improvements; and, provide intersection and interchange improvements that are consistent with existing and planned local

development. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for the project, approved on November 3, 2009, and in other documents in the FHWA project records. The EA/FONSI and other project records are available by contacting Caltrans at the address provided above. The EA/FONSI is also available for viewing at California Department of Transportation, District 8, 464 West Fourth Street, San Bernardino, California 92401–1400.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Farmland:* Farmland Protection Policy Act.

3. *Hazards:* Resource Conservation and Recovery Act of 1976; Comprehensive Environmental Response, Compensation and Liability Act of 1980; Toxic Substances Control Act; Community Environmental Response Facilitation Act of 1992; Occupational Safety and Health Act.

4. *Social:* Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; Title VI of the Civil Rights Act; Americans with Disabilities Act.

5. *Cultural Resources/National Landmarks/Paleontology:* National Historic Preservation Act of 1966; Historic Sites Act of 1935; Antiquities Act of 1906.

6. *Air:* Clean Air Act (amended 1990).

7. *Biological Resources:* Federal Endangered Species Act; Fish and Wildlife Coordination Act; Migratory Bird Treaty Act.

8. *Wetlands and Water Resources:* Clean Water Act; Safe Drinking Water Act; Flood Disaster Protection Act.

9. *Executive Orders:* 11990, Protection of Wetlands; 11988, Floodplain Management; 12088, Federal Compliance with Pollution Control; 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; 13112, Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: February 14, 2011.

Shawn E. Oliver,

South Team Leader, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. 2011–3701 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2010–0086]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on extension of a currently approved 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 an existing collection of information for an existing regulation for the aftermarket modification of vehicles to accommodate people with disabilities, for which NHTSA intends to seek renewed OMB approval.

DATES: Comments must be received on or before April 19, 2011.

ADDRESSES: Comments must refer to the docket number cited at the beginning of this notice, and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *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.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal Holidays. Telephone: 1–800–647–2251.
- *Instructions:* All submissions must include the docket number for this document. Please identify the collection of information for which a comment is provided by referencing the OMB Control Number, 2127–0635. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. *Please see* the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Markus Price, NHTSA, 1200 New Jersey Avenue, SE., Room W45–472, NVS–121, Washington, DC 20590. Mr. Price's telephone number is (202) 366–0098.

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 promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) How to enhance the quality, utility, and clarity of the information to be collected;

(4) 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 collection of information:

Title: 49 CFR 571.125, Warning Devices.

OMB Control Number: 2127–0505.

Form Number: This collection of information uses no standard form.

Type of Request: Extension of a currently approved collection of information.

Abstract: 49 U.S.C. 3011, 30112, and 30117 (Appendix 1) of the National Traffic and Motor Vehicle Safety Act of 1996, authorizes the issuance of Federal Motor Vehicle Safety Standards (FMVSS). The Secretary is authorized to issue, amend, and revoke such rules and regulations as she/he deems necessary. Using this authority, the agency issued FMVSS No. 125, "Warning Devices" (Appendix 2), which applies to devices, without self contained energy sources, that are designed to be carried mandatory in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 pounds and voluntarily in other vehicles. These devices are used to warn approaching traffic of the presence of a stopped vehicle, except for devices designed to be permanently affixed to the vehicles.

Affected Public: Business or other for profit organizations.

Estimated Annual Burden: 1.14 hours.

Estimated Number of Respondents: 3.

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 respondents, including the use of automated collection techniques or other forms of information technology.

Issued on: February 15, 2011.

Nathaniel M. Beuse,

Office of Crash Avoidance Standards, Director.

[FR Doc. 2011–3695 Filed 2–17–11; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 6 (Sub-No. 472X)]

BNSF Railway Company—Abandonment Exemption—in Stearns County, MN

On January 31, 2011, BNSF Railway Company (BNSF) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 7.05-mile line of railroad located between milepost 9.16 at Rockville and milepost 16.21 at Cold Spring, in Stearns County, Minn.[1] The line traverses United States Postal Service Zip Codes 56369 and 56320, and includes the station of Cold Spring.

The line does not contain Federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, In Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by May 20, 2011.[2]

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,500 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than March 10, 2011. Each trail request must be accompanied by a $250 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to Docket No. AB 6 (Sub-No. 472X), and must be sent to: (1) Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001; and (2) Kristy D. Clark, General Attorney, BNSF Railway Company, 2500 Lou Menk Drive, AOB–3, Fort Worth, TX 76131–2828. Replies to the petition are due on or before March 10, 2011.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245–0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 14, 2011.

By the Board.

Rachel D. Campbell,

Director, Office of Proceedings.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. 2011–3661 Filed 2–17–11; 8:45 am]

BILLING CODE 4915–01–P

[1] BNSF states that the cities of Rockville, Cold Spring, and Richmond have formed ROCORI Trail, a trail association, and they wish to railbank and purchase the line to develop a trail to connect with other trail networks in the area.

[2] In its Environmental Report filed with the Board on January 7, 2011, BNSF notes that the line is under lease to Northern Lines Railroad, which BNSF states will also be filing for discontinuance of service over the line.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 33 (Sub-No. 297X)]

Union Pacific Railroad Company—Abandonment Exemption—in Lafayette County, MO

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon 2.91 miles of a line of railroad known as the Lexington Industrial Lead extending from milepost 246.49 near Myrick to milepost 243.58 near Lexington, in Lafayette County, Mo. The line traverses United States Postal Service Zip Code 64067.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the

requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 22, 2011, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 28, 2011. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 10, 2011,[3] with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, Union Pacific Railroad Company, 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by February 25, 2011. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA, at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by February 18, 2012, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: February 14, 2011.

By the Board.

Rachel D. Campbell,

Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2011–3662 Filed 2–17–11; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,500. *See* 49 CFR 1002.2(f)(25).

[3] UP states that the right-of-way proposed for abandonment is mainly reversionary property. UP does not believe that the property is suitable for public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as this area is adequately served by existing roads and utility lines at the present time. UP notes that the real property which makes up the right-of-way may be well suited for conservation uses.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 11, 2010.

The Department of the Treasury will submit the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. A copy of the submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury PRA Clearance Officer, Department of the Treasury, 1750 Pennsylvania Avenue, NW., Suite 11010, Washington, DC 20220.

DATES: Written comments should be received on or before March 21, 2011 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1201.

Type of Review: Revision to a currently approved collection.

Title: TD 8455—Election to Expense Certain Depreciable Business Assets.

Abstract: The regulations provide rules on the election described in section 179(b)(4); the apportionment of the dollar limitation among component members of a controlled group; the proper order for deducting the carryover of disallowed deduction; and the maintenance of information which permits the specific identification of each piece of section 179 property and reflects how and from whom such property was acquired and when such property was placed in service. The recordkeeping and reporting is necessary to monitor compliance with the section 179 rules.

Respondents: Private sector: Businesses or other for-profits.

Estimated Total Burden Hours: 15,000 hours.

OMB Number: 1545–1362.

Type of Review: Revision of a currently approved collection.

Title: Renewable Electricity, Refined Coal, and Indian Coal Production Credit.

Form: 8835.

Abstract: Filers claiming the general business credit for electricity produced from certain renewable resources under code sections 38 and 45 must file Form 8835.

Respondents: Private sector: Businesses or other for-profits.

Estimated Total Burden Hours: 1,045 hours.

OMB Number: 1545–1897.

Type of Review: Extension without change of a currently approved collection.

Title: REG–120616–03; TD 9145—Entry of Taxable Fuel (Final and Temporary); TD 9346—Entry of Taxable Fuel (Final Regulations and Removal of Temporary Regulations).

Abstract: The regulation imposes joint and several liabilities on the importer of record for the tax imposed on the entry of taxable fuel into the U.S.

Respondents: Private sector: Businesses or other for-profits.

Estimated Total Burden Hours: 281 hours.

Bureau Clearance Officer: Yvette Lawrence, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224; (202) 927–4374

OMB Reviewer: Shagufta Ahmed, Office of Management and Budget, New

Executive Office Building, Room 10235, Washington, DC 20503; (202) 395–7873.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2011–3752 Filed 2–17–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–59: OTS No. H–4761]

Franklin Financial Corporation, Inc., Glen Allen, VA; Approval of Conversion Application

Notice is hereby given that on February 11, 2011, the Office of Thrift Supervision approved the application of Franklin Financial Corporation MHC and Franklin Federal Savings Bank, Glen Allen, Virginia, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail *Public.Info@OTS.Treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Southeast Regional Office, 1475 Peachtree Street, NE., Atlanta, Georgia 30309.

Dated: February 11, 2011.

By the Office of Thrift Supervision.

Sandra E. Evans,

Federal Register Liaison.

[FR Doc. 2011–3656 Filed 2–17–11; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

United States Mint

Public Meeting

ACTION: Notification of Citizens Coinage Advisory Committee March 1, 2011, Public Meeting.

SUMMARY: Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for March 1, 2011.

Date: March 1, 2011.

Time: 10 a.m. to 1 p.m.

Location: Conference Room A, United States Mint, 801 9th Street, NW., Washington, DC 20220.

Subject: Review and consideration of candidate designs for the 2011 National September 11 Memorial & Museum Commemorative Medals; review and discussion of the 2012 First Spouse Gold Coin and Medal Program Design Narratives; and discussion relating to the CCAC 2010 Annual Report.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

In accordance with 31 U.S.C. 5135, the CCAC:

- Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.
- Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Makes recommendations with respect to the mintage level for any commemorative coin recommended.

FOR FURTHER INFORMATION CONTACT: Greg Weinman, Acting United States Mint Liaison to the CCAC; 801 9th Street, NW.; Washington, DC 20220; or call 202–354–7200.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: February 14, 2011.

Richard A. Peterson,

Acting Director, United States Mint.

[FR Doc. 2011–3692 Filed 2–17–11; 8:45 am]

BILLING CODE 4810–02–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing and Roundtable Discussion

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing and roundtable discussion—February 25, 2011, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing and roundtable discussion of the U.S.-China Economic and Security Review Commission.

Name: William A. Reinsch, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on "the national security implications of the economic relationship between the United States and the People's Republic of China."

Pursuant to this mandate, the Commission will hold a public hearing and roundtable discussion in Washington, DC on February 25, 2011, to address "China's Internal Dilemmas."

Background: This is the second public hearing the Commission will hold during its 2011 report cycle to collect input from leading academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The February 25 hearing and roundtable discussion will examine China's domestic economic, social and security issues and how the Chinese government is addressing them. The February 25 hearing and roundtable will be co-chaired by Chairman William A. Reinsch and Commissioner Robin Cleveland.

Any interested party may file a written statement by February 25, 2011, by mailing to the contact below. On February 25, the hearing will be held in the morning, and the roundtable discussion will be held in the afternoon. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Transcripts of past Commission public hearings may be obtained from the USCC Web Site *http://www.uscc.gov.*

Date and Time: Friday, February 25, 2011, 8:45 a.m. to 2:30 p.m. Eastern Standard Time. A detailed agenda for the hearing and roundtable will be posted to the Commission's Web Site at *http://www.uscc.gov as soon as available.*

ADDRESSES: The hearing will be held on Capitol Hill in Room 562 of the Dirksen Senate Office Building, and the roundtable discussion will be held in Room116 of the same building. Dirksen Senate Office Building is located at Constitution Avenue and 1st Street, NE., in Washington, DC 20002. Public seating is limited to about 50 people on a first come, first served basis. *Advance reservations are not required.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing and roundtable should contact Michael Danis, Executive Director for the U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington, DC 20001; phone: 202–624–1407, or via e-mail at *contact@uscc.gov.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated

Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: February 14, 2011.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2011–3677 Filed 2–17–11; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (VA Form 10–0513)]

Proposed Information Collection (Veteran Suicide Prevention Online Quantitative Surveys) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments to support outreach efforts on the prevention of suicide among Veterans and their families.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 19, 2011.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov*; or to Cynthia Harvey-Pryor, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *cynthia.harvey-pryor@va.gov.* Please refer to "2900–New (VA Form 10–0513)" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor (202) 461–5870 or FAX (202) 273–9387.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles

a. Veterans Online Survey, VA Form 10–0513:

b. Veterans Family Online Survey, VA Form 10–0513a.

c. Veterans Primary Care Provider Online Survey, VA Form 10–0513b.

OMB Control Number: 2900–New (VA Form 10–0513).

Type of Review: New collection.

Abstract: VA's top priority is the prevention of Veterans suicide. It is imperative to reach these at-risk populations with proactive and trustworthy communications and focused and effective outreach activities. As a part of this outreach, VA will collect information from Veterans, primary care providers and families of veterans. Data collected on the surveys will be used to better understand Veterans and their families' awareness of VA's suicide prevention and mental health support services. In addition, the surveys will help gauge how Veterans view the need for and willingness to accept help when in crises or contemplating suicide.

Affected Public: Individuals and Households.

Estimated Annual Burden

a. Veterans Online Survey, VA Form 10–0513–300 hours.

b. Veterans Family Online Survey, VA Form 10–0513a–300 hours.

c. Veterans Primary Care Provider Online Survey, VA Form 10–0513b–300 hours.

Estimated Average Burden per Respondent

a. Veterans Online Survey, VA Form 10–0513–30 mins.

b. Veterans Family Online Survey, VA Form 10–0513a–30 mins.

c. Veterans Primary Care Provider Online Survey, VA Form 10–0513b–30 mins.

Frequency of Response: Annually.

Estimated Number of Respondents

a. Veterans Online Survey, VA Form 10–0513–600.

b. Veterans Family Online Survey, VA Form 10–0513a–600.

c. Veterans Primary Care Provider Online Survey, VA Form 10–0513b–600.

Dated: February 14, 2011.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2011–3648 Filed 2–17–11; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (VA Form 10–0511]

Proposed Information Collection (Cooperative Studies Program (CSP): Site Survey and Meeting Evaluation) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to evaluate the effectiveness of Coordinating Centers when conducting meetings and interacting with study sites and other customers.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 19, 2011.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov;* or to Cynthia Harvey-Pryor, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *cynthia.harvey-pryor@va.gov.* Please refer to "OMB

Control No. 2900–New (VA Form 10–0511)" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor (202) 461–5870 or FAX (202) 273–9387.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles

1. Cooperative Studies Program (CSP) Site Survey, VA Form 10–0511.

2. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–0511a.

OMB Control Number: OMB Control No. 2900–New.

Type of Review: New Collection.

Abstracts

a. The data collected on VA Form 10–0511 will be used to assist in evaluating the level of customer service within the CSP Coordinating Centers.

b. VA Form 10–0511a will be used to evaluate the effectiveness of the CSP in-person meetings and to identify ways to improve future meetings.

Affected Public: Individuals or households.

Estimated Annual Burden

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–0511–83.

b. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–0511a–83.

Frequency of Response: Annually.

Estimated Average Burden per Respondents

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–0511—10 minutes.

b. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–0511a—10 minutes.

Estimated Annual Responses

a. Cooperative Studies Program (CSP) Site Survey, VA Form 10–0511–500.

b. Cooperative Studies Program (CSP) Meeting Evaluation, VA Form 10–0511a–500.

Dated: February 14, 2011.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2011–3649 Filed 2–17–11; 8:45 am]

BILLING CODE 8320–01–P

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H.R. 366/P.L. 112-1
To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes. (Jan. 31, 2011)

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