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Presidential Documents

Title 3—

The President

Executive Order 13578 of July 6, 2011

Coordinating Policies on Automotive Communities and Workers

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* Over the last decade, the United States has experienced a decline in employment in the automotive industry and among part suppliers. This decline accelerated dramatically from 2008 to 2009, with more than 400,000 jobs being lost in the industry. Now, 2 years later, the American automotive industry is beginning to recover. The automotive industry has, over the past 2 years, experienced its strongest period of job growth since the late 1990s. Exports have expanded, and the domestic automakers in 2010 gained market share for the first time since 1995. The automotive supply chain, which employs three times as many workers as the automakers, has also shown renewed strength. However, we still have a long way to go.

Over the past 2 years my Administration has undertaken coordinated efforts on behalf of automotive communities, including targeted technical and financial assistance. For example, the Department of Labor set aside funds for green jobs and job training for high-growth sectors of the economy specifically targeted to communities affected by the automotive downturn, and the Department of Commerce provided funds specifically for automotive communities to develop plans for economic recovery. Stabilizing the automotive industry will also require the use of expanded strategies by automotive communities that include land-use redevelopment, small business support, and worker training.

The purpose of this order is to continue the coordinated Federal response to factors affecting automotive communities and workers and to ensure that Federal programs and policies address these concerns.

Sec. 2. *Assignment of Responsibilities to the Secretary of Labor.*

(a) The Secretary of Labor shall:

(i) work to coordinate the development of policies and programs among executive departments and agencies with the goal of coordinating a Federal response to factors that have a distinct impact on automotive communities and workers, including through the coordination of economic adjustment assistance activities;

(ii) advise the President, in coordination with the Director of the National Economic Council, on the potential effects of pending legislation;

(iii) provide recommendations to the President, in coordination with the Director of the National Economic Council, on executive branch policy proposals affecting automotive communities and changes to Federal policies and programs intended to address issues of special importance to automotive communities and workers; and

(iv) conduct outreach to representatives of nonprofit organizations, businesses, labor organizations, State and local government agencies, elected officials, and other interested persons that will assist in bringing to the President's attention concerns, ideas, and policy options for expanding and improving efforts to revitalize automotive communities.

(b) The Secretary of Labor shall perform the functions assigned by this order in coordination with the Director of the National Economic Council.

The Secretary of Labor may delegate these responsibilities to the Executive Director of the Department of Labor Office of Recovery for Auto Communities and Workers.

Sec. 3. *Revocation.* Executive Order 13509 of June 23, 2009, is hereby revoked.

Sec. 4. *General Provisions.* (a) The heads of executive departments and agencies shall assist and provide information to the Secretary of Labor or the Secretary's designee, consistent with applicable law, as may be necessary to carry out the responsibilities assigned by this order.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,
July 6, 2011.

[FR Doc. 2011–17447
Filed 7–8–11; 8:45 am]
Billing code 3195–W1–P

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3430

[0524–AA64]

Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Administrative Provisions for the Sun Grant Program

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Final rule.

SUMMARY: The National Institute of Food and Agriculture (NIFA) is adopting as final, without change, an interim rule (published at 75 FR 70578 on November 18, 2010) that established a set of specific administrative requirements for the Sun Grant Program as subpart O to 7 CFR part 3430, to supplement the Competitive and Noncompetitive Non-formula Federal Assistance Programs—General Award Administrative Provisions for this program.

DATES: This final rule is effective on July 11, 2011.

FOR FURTHER INFORMATION CONTACT: Carmela Bailey, National Program Leader, Division of Bioenergy, National Institute of Food and Agriculture, U.S. Department of Agriculture, STOP 3356, 1400 Independence Avenue, Washington, DC 20250–3356; *Voice:* 202–401–6443; *Fax:* 202–401–4888; *E-mail: cbailey@NIFA.usda.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Summary

Authority

On November 18, 2010 (Volume 75, Number 70,578), NIFA published an interim rule with a 120-day comment period to provide administrative provisions that are specific to the Federal assistance awards made under section 7526 of the Food, Conservation, and Energy Act of 2008 (FCEA), Public Law 110–246 (7 U.S.C. 8114), providing authority to the Secretary of Agriculture (Secretary) to establish and carry out the Sun Grant Program. No program specific comments were received. NIFA will adopt the interim rule as a final rule without change.

Under the Sun Grant Program grants are provided to Sun Grant Centers (hereafter, the Center(s)) and a Subcenter (as designated in section 7526(b)(1)(A)–(F) of the FCEA) for the purpose of subawarding 75 percent of USDA-awarded funds through a regional competitive grants program administered by the Centers and Subcenter to fund multi-institutional and multistate research, extension, and education programs on technology development and integrated research, extension, and education programs on technology implementation, in accordance with the purpose and priorities as described in section 7526. The Centers and Subcenter will utilize the remaining balance of USDA-awarded funds (after using up to 4 percent of the USDA-awarded funds for the administrative expenses of carrying out the regional competitive grants program) to conduct such programs at the respective Center or the Subcenter. Additionally, section 7526(d) of the FCEA requires the Centers and Subcenter to jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and gasification research priorities of USDA and the Department of Energy at the State and regional levels. With respect to gasification research activities, the Centers and Subcenter are required to coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area. The Centers and Subcenter must use the approved plan in making grants and must give priority to programs that are consistent with the plan.

Section 7526(e) of the FCEA also requires the Centers and Subcenter to maintain, at the North-Central Center, a Sun Grant Information Analysis Center to provide the Centers and Subcenter with analysis and data management support.

The USDA authority to carry out this program has been delegated to NIFA through the Under Secretary for Research, Education, and Economics.

Purpose

The objectives of the Sun Grant Program are to enhance national energy security through the development, distribution, and implementation of biobased energy technologies; to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies; to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among USDA, the Department of Energy, and land-grant colleges and universities.

Organization of 7 CFR part 3430

A primary function of NIFA is the fair, effective, and efficient administration of Federal assistance programs implementing agricultural research, education, and extension programs. As noted above, NIFA has been delegated the authority to administer this program and will be issuing Federal assistance awards for funding made available for this program; and thus, awards made under this authority will be subject to the Agency's assistance regulations at 7 CFR part 3430, Competitive and Noncompetitive Non-formula Federal Assistance Programs—General Award Administrative Provisions. The Agency's development and publication of these regulations for its non-formula Federal assistance programs serve to enhance its accountability and to standardize procedures across the Federal assistance programs it administers while providing transparency to the public. NIFA published 7 CFR part 3430 with subparts A through F as an interim rule on August 1, 2008 [73 FR 44897–44909] and as a final rule on September 4, 2009 [74 FR 45736–45752]. These regulations apply to all Federal assistance programs administered by NIFA except for the formula grant programs identified in 7 CFR 3430.1(f), the Small Business Innovation Research programs, with implementing regulations at 7 CFR part 3403, and the Veterinary Medicine Loan

Repayment Program (VMLRP) authorized under section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA), with implementing regulations at 7 CFR part 3431.

NIFA organized the regulation as follows: Subparts A through E provide administrative provisions for all competitive and noncompetitive non-formula Federal assistance awards. Subparts F and thereafter apply to specific NIFA programs.

NIFA is, to the extent practical, using the following subpart template for each program authority: (1) Applicability of regulations, (2) purpose, (3) definitions (those in addition to or different from § 3430.2), (4) eligibility, (5) project types and priorities, (6) funding restrictions (including indirect costs), and (7) matching requirements. Subparts F and thereafter contain the above seven components in this order. Additional sections may be added for a specific program if there are additional requirements or a need for additional rules for the program (*e.g.,* additional reporting requirements).

Through this rulemaking, NIFA is adding subpart O for the administrative provisions that are specific to the Federal assistance awards made under the Sun Grant Program authority.

II. Administrative Requirements for the Proposed Rulemaking

Executive Order 12866

This action has been determined to be not significant for purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget. This final rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; nor will it materially alter the budgetary impact of entitlements, grants, user fees, or loan programs; nor will it have an annual effect on the economy of $100 million or more; nor will it adversely affect the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way. Furthermore, it does not raise a novel legal or policy issue arising out of legal mandates, the President's priorities or principles set forth in the Executive Order.

Regulatory Flexibility Act of 1980

This final rule has been reviewed in accordance with the Regulatory Flexibility Act of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601–612. The Department concluded that the rule will not have a significant economic impact on a substantial number of small entities. The rule does not involve regulatory and informational requirements regarding businesses, organizations, and governmental jurisdictions subject to regulation.

Paperwork Reduction Act (PRA)

The Department certifies that this final rule has been assessed in accordance with the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* (PRA). The Department concludes that this final rule does not impose any new information requirements; however, the burden estimates will increase for existing approved information collections associated with this rule due to additional applicants. These estimates will be provided to OMB. In addition to the SF–424 form families (*i.e.,* Research and Related and Mandatory), and the SF–425 Federal Financial Report; NIFA has three currently approved OMB information collections associated with this rulemaking: OMB Information Collection No. 0524–0042, NIFA Current Research Information System (CRIS); No. 0524–0041, NIFA Application Review Process; and No. 0524–0026, Assurance of Compliance with the Department of Agriculture Regulations Assuring Civil Rights Compliance and Organizational Information.

Catalog of Federal Domestic Assistance

This final regulation applies to the Federal assistance program administered by NIFA under the Catalog of Federal Domestic Assistance (CFDA) No. 10.320, Sun Grant Program.

Unfunded Mandates Reform Act of 1995 and Executive Order 13132

The Department has reviewed this final rule in accordance with the requirements of Executive Order No. 13132 and the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.,* and has found no potential or substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. As there is no Federal mandate contained herein that could result in increased expenditures by State, local, or tribal governments, or by the private sector, the Department has not prepared a budgetary impact statement.

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

The Department has reviewed this final rule in accordance with Executive Order 13175, and has determined that it does not have ''tribal implications.'' The final rule does not ''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.''

Clarity of This Regulation

Executive Order 12866 and the President's Memorandum of June 1, 1998, require each agency to write all rules in plain language. The Department invites comments on how to make this final rule easier to understand.

List of Subjects in 7 CFR Part 3430

Administrative practice and procedure, Agricultural Research, Education, Extension, Federal assistance.

Accordingly, the interim rule amending 7 CFR part 3430, which was published at 75 FR 70578 on November 18, 2010, is adopted as a final rule without change.

Signed at Washington, DC, on July 1, 2011.

Chavonda Jacobs-Young,

Acting Director, National Institute of Food and Agriculture.

[FR Doc. 2011–17350 Filed 7–8–11; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. NE131; Special Conditions No. 33–009–SC]

Special Conditions: Pratt and Whitney Canada Model PW210S Turboshaft Engine

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Pratt and Whitney Canada (PWC) model PW210S engines. The engine model will have a novel or unusual design feature which is a 30-minute all engine operating (AEO) power rating. This rating is generally intended to be used for hovering at increased power for search and rescue missions. The applicable airworthiness regulations do not contain adequate or

appropriate safety standards for this design feature. These special conditions contain the added safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is August 10, 2011.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this rule contact Marc Bouthillier, ANE–111, Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (781) 238–7120; facsimile (781) 238–7199; e-mail *marc.bouthillier@faa.gov.* For legal questions concerning this rule contact Vincent Bennett, ANF–7 Engine and Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803–5299; telephone (781) 238–7044; facsimile (781) 238–7055; e-mail *vincent.bennett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On December 5, 2005, PWC applied for type certification for a model PW210S turboshaft engine. This engine consists of a two stage compressor driven by a single stage uncooled turbine, and a two stage free power turbine driving a two stage reduction gearbox. The control system includes a dual channel full authority digital electronic control. The engine will incorporate a novel or unusual design feature, which is a 30-minute AEO power rating. This rating was requested by the applicant to support rotorcraft search and rescue missions that require extensive operations at high power.

The applicable airworthiness standards do not contain adequate or appropriate airworthiness standards to address this design feature. Therefore a special condition is necessary to apply additional requirements for rating definition, instructions for continued airworthiness (ICA) and endurance testing. The 30-minute time limit applies to each instance the rating is used; however there is no limit to the number of times the rating can be used during any one flight, and there is no cumulative time limitation. The ICA requirement is intended to address the unknown nature of actual rating usage and associated engine deterioration. The applicant is expected to make an assessment of the expected usage and publish ICA's and airworthiness limitations section (ALS) limits in accordance with those assumptions, such that engine deterioration is not excessive. The endurance test requirement of 25 hours operation at 30-minute AEO rating is similar to several special conditions issued over the past 20 years addressing the same subject. Because the PWC model PW210S turboshaft engine has a continuous OEI rating and limits equal to or higher then the 30-minute AEO rating, the test time performed at the continuous OEI rating may be credited toward the 25-hour requirement. However, test time spent at other rating elements of the test, such as takeoff or other OEI ratings (that may be equal to or higher values), may not be counted toward the 25 hours of required running.

These special conditions contain the additional airworthiness standards necessary to establish a level of safety equivalent to the level that would result from compliance with the applicable standards of airworthiness in effect on the date of application.

Type Certification Basis

Under the provisions of 14 CFR 21.17(a) and 21.101(a), PWC must show that the model PW210S turboshaft engine meets the provisions of the applicable regulations in effect on the date of application, unless otherwise specified by the FAA. The application date is December 5, 2005, which corresponds to 14 CFR part 33 Amendment 20. However, PWC has elected to demonstrate compliance to later amendments of part 33 for this model. Therefore, the certification basis for the PW210S model turboshaft engine will be part 33, effective February 1, 1965, amended by Amendments 33–1 through 33–24.

The FAA has determined that the applicable airworthiness regulations (14 CFR part 33, Amendments 1–24 inclusive) do not contain adequate or appropriate safety standards for the model PW210 turboshaft engine, because of a novel or unusual rating. Therefore, special conditions are prescribed under the provisions of 14 CFR 11.19 and 14 CFR 21.16.

The FAA issues special conditions, as defined by 14 CFR 11.19, in accordance with 14 CFR 11.38, which become part of the type certification basis in accordance with § 21.17(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include another related model that incorporates the same or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model.

Novel or Unusual Design Features

The PWC PW210S turboshaft engine will incorporate a novel or unusual design feature which is a 30-minute AEO power rating, for use up to 30-minutes at any time between the takeoff and landing phases of a flight. This design feature is considered to be novel and unusual relative to the part 33 airworthiness standards.

Discussion of Comments

Notice of proposed special conditions, Notice No. 33–10–02–SC for the PW210S engine model was published on March 1, 2011 (76 FR 11172). One comment letter was received. The commenter stated disagreement with the special condition requirement of incorporating 25 hours of operation at the 30-minutes AEO rating into the § 33.87 test profile. The commenter proposing taking credit for the 30-minute periods run at takeoff rating that is part of the normal test profile required by § 33.87(b), thereby reducing the amount of test time at the new 30-minute AEO rating. The FAA does not concur. The takeoff rating and other normal use ratings are defined within 14 CFR part 1 and the associated requirements can be found in 14 CFR part 33 Takeoff rating is limited in use to a continuous period of not more then 5 minutes during takeoff operations, which occurs each flight. The existing § 33.87 requirements are designed to demonstrate engine durability for the takeoff rating which is considered a normal every flight operation, and is independent of any other ratings The proposed 30-minute rating is not defined within 14 CFR, but has been specifically requested by PWC. This new rating can be used for periods of up to 30-minutes at any time during a flight for a variety of normal mission purposes. Also, the number of usages during a single flight is not limited; and its use does not require special maintenance actions. So this rating is intended for normal mission use, similar to takeoff and other normal use ratings, and is different than limited turboshaft one-engine-inoperative (OEI) ratings. The OEI ratings for turboshafts, with the exception of continuous OEI, are for limited use during a flight and in some cases limited cumulative use. Therefore engine durability using the 30-minute AEO rating must be demonstrated over and above the takeoff rating and other normal use ratings included in the rating structure. So the baseline for endurance testing will be § 33.87(b) (no OEI rating). The FAA also

finds that the test time associated with the continuous OEI rating is an appropriate baseline to define additional requirements for this new normal use 30- minute AEO rating. Therefore, engine durability using this rating must be demonstrated over and above the takeoff rating and other normal use ratings included in the rating structure. No changes to the special conditions have been made in this regard.

The commenter also states that the 25 hour requirement is inconsistent with § 33.87 philosophies, stating that time at any rating validates any lower rating. This statement is incorrect. The test requirements are established to demonstrate engine durability at all normal and emergency ratings and associated limits. The test profiles incorporate specific elements to this end. The normal ratings all have individual elements that must be performed. The 30-minutes AEO rating is a normal use rating that is expected to be used with a frequency of occurrence similar to the takeoff or maximum continuous ratings, and must have a specific and independent element as part of the overall test. Also, the expectation is that 30-minute AEO will be used far more frequently than any emergency 0E1 rating. These emergency ratings must also be demonstrated (when applicable) however due to their limited use, these elements of the test may overlap certain normal rating elements found in the various test profiles. The practice mentioned by the commenter is applied to OEI ratings only, because they are rarely used and only in emergency situations. Therefore, the frequency of occurrence for normal use ratings dictate that specific test time be allocated to each rating, and that time can't be combined because a rating is higher than another. No changes to the special conditions have been made in this regard.

The commenter also states that the basis for 25 hours of required run time was not described in the special condition. The 25 hours was selected to be between the basic cumulative run time for takeoff rating (18.75 hours) and maximum continuous rating (45 hours). This requirement is weighted more heavily toward the takeoff time due to the severe nature of the rating and intended operation. Therefore, no changes to the special conditions have been made in this regard.

Applicability

These special conditions are applicable to the PWC PW210S turbo shaft engine. If PWC applies later for a change to the type certificate to include another closely related model incorporating the same novel or unusual design feature, these special conditions may also apply to that model as well, and would be made part of the certification basis for that model.

Conclusion

We reviewed the available data, including the comment received, and have determined that air safety and the public interest require adopting this special condition with the changes described above. This action affects only certain novel or unusual design features on one model of engine. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of this feature on the engine product.

List of Subjects in 14 CFR Part 33

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) issues the following special conditions as part of the type certification basis for the PWC PW210S turbo shaft engine.

1. PART 1 DEFINITION. Unless otherwise approved by the Administrator and documented in the appropriate manuals and certification documents, the following definition applies to this special condition: ''Rated 30 Minute AEO Power'', means the approved shaft horsepower developed under static conditions at the specified altitude and temperature, and within the operating limitations established under part 33, and limited in use to periods not exceeding 30- minutes each.

2. PART 33 REQUIREMENTS.

(a) Sections 33.1 Applicability and 33.3 General: As applicable, all documentation, testing and analysis required to comply with the part 33 certification basis, must account for the 30-minute AEO rating, limits and usage.

(b) Section 33.4, instructions for continued airworthiness (ICA). In addition to the requirements of § 33.4, the ICA must:

(1) Include instructions to ensure that in-service engine deterioration due to rated 30-minute AEO power usage will not be excessive, meaning that all other approved ratings are available within associated limits and assumed usage, for successive flights; and that deterioration will not exceed that assumed for declaring a time between overhaul (TBO) period.

(i) The applicant must validate the adequacy of the maintenance actions required under paragraph (b)(1) above.

(2) Include in the airworthiness limitations section (ALS), any mandatory inspections and serviceability limits related to the use of the 30-minute AEO rating.

(c) Section 33.87, Endurance Test. In addition to the requirements of §§ 33.87(a) and 33.87(d), the overall test run must include a minimum of 25 hours of operation at 30-minute AEO power and limits, divided into periods of 30-minutes AEO power with alternate periods at maximum continuous power or less.

(1) Modification of the § 33.87 test requirements to include the 25 hours of operation at 30- minute AEO power rating must be proposed by the Applicant and accepted by the FAA.

(2) Each § 33.87(d) continuous one-engine-inoperative (0EI) rating test period of 30-minutes or longer, run at power and limits equal to or higher then the 30-minutes AEO raring, may be credited toward this requirement. Note that the test time required for the takeoff or other OEI ratings may not be counted toward the 25 hours of operation required at the 30-minute AEO rating.

Issued in Burlington, Massachusetts, on June 29, 2011.

Robert J. Ganley,

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

[FR Doc. 2011–17298 Filed 7–8–11; 8:45 am]

BILLING CODE M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0853; Directorate Identifier 2010–NM–116–AD; Amendment 39–16720; AD 2011–12–13]

RIN 2120–AA64

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

Correction

In rule document 2011–14344 appearing on pages 35327–35330 in the issue of June 17, 2011, make the following correction:

The table on page 35329 should read:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	2 work-hours × $85 per hour = $170	$0	$170

[FR Doc. C1–2011–14344 Filed 7–8–11; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–0135; Airspace Docket No. 11–AGL–4]

Amendment of Class E Airspace; Madison, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace for Madison, SD, to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Madison Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

DATES: *Effective date:* 0901 UTC, October 20, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

On April 12, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend Class E airspace for Madison, SD, creating controlled airspace at Madison Municipal Airport (76 FR 20279) Docket No. FAA–2011–0135. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR Part 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by creating additional Class E airspace extending upward from 700 feet above the surface for new standard instrument approach procedures at Madison Municipal Airport, Madison, SD. This action is necessary for the safety and management of IFR operations at the airport. Geographic coordinates are also being updated to coincide with the FAA's aeronautical database.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace for Madison Municipal Airport, Madison, SD.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AGL SD E5 Madison, SD [Amended]

Madison Municipal Airport, SD
(Lat. 44°00′59″ N., long. 97°05′08″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Madison Municipal Airport, and within 3 miles each side of the 341° bearing from the airport extending from the 7-mile radius to 7.4 miles northwest of the airport, and within 2 miles each side of the 334° bearing from the airport extending from the 7-mile radius to 10.5 miles northwest of the airport.

Issued in Fort Worth, Texas, on June 16, 2011.

Walter L. Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2011–17189 Filed 7–8–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–1053; Airspace Docket No. 10–ASW–15]

Establishment of Class E Airspace; Campbellton, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace for Campbellton, TX, to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at 74 Ranch Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport.

DATES: *Effective date:* 0901 UTC, October 20, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

On April 12, 2011, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace for Campbellton, TX, creating controlled airspace at 74 Ranch Airport (76 FR 20280) Docket No. FAA–2010–1053. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface for new standard instrument approach procedures at 74 Ranch Airport, Campbellton, TX. This action is necessary for the safety and management of IFR operations at the airport.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace for 74 Ranch Airport, Campbellton, TX.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ASW TX E5 Campbellton, TX [New]

74 Ranch Airport, TX
(Lat. 28°41′06″ N., long. 98°22′58″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of 74 Ranch Airport, and within 4 miles each side of the 324° bearing from the airport extending from the 6.3-mile radius of the airport to 10.1 miles northwest of the airport, and within 4 miles each side of the 144° bearing from the airport extending from the 6.3-mile radius of the airport to 9.6 miles southeast of the airport.

Issued in Fort Worth, Texas, on June 16, 2011.

Walter L. Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2011–17191 Filed 7–8–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30791; Amdt. No. 3433]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective July 11, 2011. The compliance date for each SIAP, associated Takeoff Minimums,

and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 11, 2011.

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

For Examination—

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

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

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

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

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

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

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

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

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

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

The Rule

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

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on June 24, 2011.

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35

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

Effective Upon Publication

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
28–Jul–11	OK	Ada	Ada Muni	1/1077	5/27/11	RNAV (GPS) RWY 35, Orig.
28–Jul–11	WI	Sheboygan	Sheboygan County Memorial	1/5993	6/15/11	VOR RWY 21, Amdt 8.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
28–Jul–11	WI	Sheboygan	Sheboygan County Memorial	1/5994	6/15/11	RNAV (GPS) RWY 21, Amdt 2.
28–Jul–11	FL	Fort Lauderdale	Fort Lauderdale/Hollywood Intl.	1/7769	6/16/11	RNAV (RNP) Z RWY 9R, Orig-C.
28–Jul–11	DC	Washington	Washington Dulles Intl	1/9881	5/26/11	RNAV (RNP) Z RWY 1R, Orig-A.
28–Jul–11	DC	Washington	Washington Dulles Intl	1/9891	5/26/11	RNAV (RNP) Z RWY 19L, Orig-A.
28–Jul–11	FL	Orlando	Orlando Intl	1/9893	5/26/11	RNAV (RNP) Z RWY 17L, Orig.
28–Jul–11	FL	Orlando	Orlando Intl	1/9894	5/26/11	RNAV (RNP) Z RWY 36R, Orig.
28–Jul–11	FL	Orlando	Orlando Intl	1/9895	5/26/11	RNAV (RNP) Z RWY 18R, Orig.
28–Jul–11	DC	Washington	Ronald Reagan Washington National.	1/9896	5/26/11	RNAV (RNP) RWY 19, Orig-B.
28–Jul–11	FL	Orlando	Orlando Intl	1/9897	5/26/11	RNAV (RNP) Z RWY 36L, Orig.
28–Jul–11	FL	Orlando	Orlando Intl	1/9899	5/26/11	RNAV (RNP) Z RWY 17R, Orig.
28–Jul–11	FL	Orlando	Orlando Intl	1/9900	5/26/11	RNAV (RNP) Z RWY 35R, Orig.
28–Jul–11	DC	Washington	Ronald Reagan Washington National.	1/9909	5/26/11	RNAV (RNP) RWY 1, Orig.
28–Jul–11	FL	Orlando	Orlando Intl	1/9910	5/26/11	RNAV (RNP) Z RWY 35L, Orig.
28–Jul–11	FL	Orlando	Orlando Intl	1/9911	5/26/11	RNAV (RNP) Z RWY 18L, Orig.
28–Jul–11	FL	West Palm Beach	Palm Beach Intl	1/9913	6/3/11	RNAV (RNP) Z RWY 32, Orig-A.
28–Jul–11	FL	West Palm Beach	Palm Beach Intl	1/9915	6/3/11	RNAV (RNP) Z RWY 14, Orig-A.
28–Jul–11	FL	West Palm Beach	Palm Beach Intl	1/9916	6/3/11	RNAV (RNP) Z RWY 28R, Orig-A.
28–Jul–11	DC	Washington	Washington Dulles Intl	1/9919	5/26/11	RNAV (RNP) Z RWY 19C, Orig-B.
28–Jul–11	DC	Washington	Washington Dulles Intl	1/9925	5/26/11	RNAV (RNP) Z RWY 1C, Orig-C.
28–Jul–11	NC	Raleigh/Durham	Raleigh-Durham Intl	1/9930	5/26/11	RNAV (RNP) Z RWY 23L, Amdt 1.
28–Jul–11	NC	Raleigh/Durham	Raleigh-Durham Intl	1/9931	5/26/11	RNAV (RNP) Z RWY 23R, Amdt 1.
28–Jul–11	NC	Raleigh/Durham	Raleigh-Durham Intl	1/9932	5/26/11	RNAV (RNP) Z RWY 5L, Amdt 1.
28–Jul–11	NC	Raleigh/Durham	Raleigh-Durham Intl	1/9933	5/26/11	RNAV (RNP) Z RWY 5R, Amdt 1.

[FR Doc. 2011–16777 Filed 7–8–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30790; Amdt. No. 3432]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

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

DATES: This rule is effective July 11, 2011. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 11, 2011.

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

For Examination—

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

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

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated

by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

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

The Rule

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

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

Conclusion

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on June 24, 2011.

John M. Allen,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 28 JUL 2011

Andalusia/Opp, AL, South Alabama Rgnl at Bill Benton Field, NDB–A, Amdt 4
Burbank, CA, Bob Hope, Takeoff Minimums and Obstacle DP, Amdt 5
Napa, CA, Napa County, RNAV (GPS) Y RWY 36L, Amdt 2
Napa, CA, Napa County, RNAV (GPS) Z RWY 36L, Amdt 1
Orlando, FL, Orlando Sanford Intl, RNAV (GPS) RWY 18, Orig
Monticello, IA, Monticello Rgnl, RNAV (GPS) RWY 15, Amdt 1
Monticello, IA, Monticello Rgnl, RNAV (GPS) RWY 33, Amdt 1
Dexter, ME, Dexter Rgnl, GPS RWY 34, Orig, CANCELLED
Dexter, ME, Dexter Rgnl, RNAV (GPS) RWY 16, Orig
Dexter, ME, Dexter Rgnl, RNAV (GPS) RWY 34, Orig
Corinth, MS, Roscoe Turner, RNAV (GPS) RWY 36, Amdt 1
Harvey, ND, Harvey Muni, RNAV (GPS) RWY 29, Orig-A
Eastland, TX, Eastland Muni, RNAV (GPS) RWY 17, Orig-A
Houston, TX, Lone Star Executive, ILS OR LOC RWY 14, Amdt 2C

Effective 25 AUG 2011

Northway, AK, Northway, RNAV (GPS) RWY 23, Amdt 1
Wrangell, AK, Wrangell, LEVEL ISLAND ONE Graphic DP
Wrangell, AK, Wrangell, Takeoff Minimums & Obstacle DP, Amdt 2
Little Rock, AR, Adams Field, RNAV (GPS) RWY 18, Amdt 1A
Hawthorne, CA, Jack Northrop Field/ Hawthorne Muni, RNAV (GPS) RWY 25, Orig
La Verne, CA, Brackett Field, RNAV (GPS) RWY 26L, Orig
Placerville, CA, Placerville, RNAV (GPS) RWY 5, Amdt 1
Sacramento, CA, Sacramento Executive, ILS OR LOC RWY 2, Amdt 24
Sacramento, CA, Sacramento Mather, RNAV (GPS) RWY 22L, Amdt 2
Visalia, CA, Visalia Muni, ILS OR LOC/DME RWY 30, Amdt 7
Visalia, CA, Visalia Muni, RNAV (GPS) RWY 12, Amdt 1
Visalia, CA, Visalia Muni, RNAV (GPS) RWY 30, Amdt 1
Lake Wales, FL, Lake Wales Muni, RNAV (GPS) RWY 6, Orig
Lake Wales, FL, Lake Wales Muni, RNAV (GPS) RWY 24, Orig
Lake Wales, FL, Lake Wales Muni, VOR/ DME–B, Amdt 3
Davenport, IA, Davenport Muni, RNAV (GPS) RWY 33, Amdt 1A
Boise, ID, Boise Air Terminal/Gowen Fld, NDB RWY 10R, Amdt 28A
Burley, ID, Burley Muni, RNAV (GPS) RWY 20, Orig-A
Burley, ID, Burley Muni, VOR–A, Amdt 4B
Burley, ID, Burley Muni, VOR/DME–B, Amdt 4B
Chicago/Aurora, IL, Aurora Muni, RNAV (GPS) RWY 9, Amdt 1B
Gary, IN, Gary/Chicago Intl, RNAV (RNP) Z RWY 12, Orig-A
Gary, IN, Gary/Chicago Intl, RNAV (RNP) Z RWY 30, Orig-B
Goshen, IN, Goshen Muni, GPS RWY 9, Amdt 1, CANCELLED
Goshen, IN, Goshen Muni, RNAV (GPS) RWY 9, Orig
Campbellsville, KY, Taylor County, GPS RWY 5, Orig-A, CANCELLED
Campbellsville, KY, Taylor County, NDB RWY 23, Amdt 4
Campbellsville, KY, Taylor County, RNAV (GPS) RWY 5, Orig
Campbellsville, KY, Taylor County, RNAV (GPS) RWY 23, Orig
Campbellsville, KY, Taylor County, Takeoff Minimums and Obstacle DP, Orig

Campbellsville, KY, Taylor County, VOR/DME–A, Amdt 6
Springfield, KY, Lebanon-Springfield, RNAV (GPS) RWY 11, Orig
Springfield, KY, Lebanon-Springfield, RNAV (GPS) RWY 29, Orig
Abbeville, LA, Abbeville Chris Crusta Memorial, RNAV (GPS) RWY 16, Amdt 1
Abbeville, LA, Abbeville Chris Crusta Memorial, RNAV (GPS) RWY 34, Amdt 1
Abbeville, LA, Abbeville Chris Crusta Memorial, Takeoff Minimums and Obstacle DP, Orig
De Ridder, LA, Beauregard Rgnl, RADAR 1, Orig-A, CANCELLED
Beverly, MA, Beverly Muni, RNAV (GPS) RWY 16, Amdt 1
Oakland, MD, Garrett County, RNAV (GPS) RWY 9, Amdt 1
Oakland, MD, Garrett County, RNAV (GPS) RWY 27, Amdt 1
Owosso, MI, Owosso Community, RNAV (GPS) RWY 11, Amdt 1A
Owosso, MI, Owosso Community, RNAV (GPS) RWY 29, Amdt 1A
Owosso, MI, Owosso Community, VOR/DME RWY 29, Amdt 1A
Sault Ste Marie, MI, Sault Ste Marie Muni/Sanderson Field, RNAV (GPS) RWY 14, Orig
Sault Ste Marie, MI, Sault Ste Marie Muni/Sanderson Field, RNAV (GPS) RWY 32, Orig
Sault Ste Marie, MI, Sault Ste Marie Muni/Sanderson Field, Takeoff Minimums and Obstacle DP, Orig
Sault Ste Marie, MI, Sault Ste Marie Muni/Sanderson Field, VOR RWY 32, Amdt 3
Hibbing, MN, Range Rgnl, RNAV (GPS) RWY 13, Amdt 1
Hibbing, MN, Range Rgnl, RNAV (GPS) RWY 31, Amdt 1
Maple Lake, MN, Maple Lake Muni, GPS RWY 28, Orig, CANCELLED
Maple Lake, MN, Maple Lake Muni, RNAV (GPS) RWY 28, Orig
Orr, MN, Orr Rgnl, GPS RWY 13, Orig, CANCELLED
Orr, MN, Orr Rgnl, RNAV (GPS) RWY 13, Orig
Ortonville, MN, Ortonville Muni-Martinson Field, GPS RWY 34, Orig, CANCELLED
Ortonville, MN, Ortonville Muni-Martinson Field, RNAV (GPS) RWY 34, Orig
Sauk Centre, MN, Sauk Centre Muni, GPS RWY 32, Orig, CANCELLED
Sauk Centre, MN, Sauk Centre Muni, RNAV (GPS) RWY 32, Orig
Sauk Centre, MN, Sauk Centre Muni, Takeoff Minimums and Obstacle DP, Orig
Neosho, MO, Neosho Hugh Robinson, Takeoff Minimums and Obstacle DP, Amdt 1
Shelby, MT, Shelby, RNAV (GPS) RWY 23, Amdt 1
Plymouth, NC, Plymouth Muni, GPS RWY 3, Orig, CANCELLED
Plymouth, NC, Plymouth Muni, GPS RWY 21, Orig, CANCELLED
Plymouth, NC, Plymouth Muni, RNAV (GPS) RWY 3, Orig
Plymouth, NC, Plymouth Muni, RNAV (GPS) RWY 21, Orig
Battle Mountain, NV, Battle Mountain, VOR–A, Amdt 5
Las Vegas, NV, Henderson Executive, RNAV (GPS)-B, Amdt 1A
Shirley, NY, Brookhaven, RNAV (GPS) RWY 6, Amdt 2
Cincinnati, OH, Cincinnati-Blue Ash, Takeoff Minimums and Obstacle DP, Amdt 1
Stigler, OK, Stigler Rgnl, GPS RWY 17, Orig-A, CANCELLED
Stigler, OK, Stigler Rgnl, GPS RWY 35, Orig-A, CANCELLED
Stigler, OK, Stigler Rgnl, RNAV (GPS) RWY 17, Orig
Stigler, OK, Stigler Rgnl, RNAV (GPS) RWY 35, Orig
Lancaster, PA, Lancaster, RNAV (GPS) RWY 13, Orig
Lancaster, PA, Lancaster, RNAV (GPS) RWY 26, Amdt 2
Lancaster, PA, Lancaster, RNAV (GPS) RWY 31, Amdt 1
Aguadilla, PR, Rafael Hernandez, VOR/DME or TACAN RWY 8, Amdt 3
College Station, TX, Easterwood Field, RNAV (GPS) RWY 10, Amdt 1
College Station, TX, Easterwood Field, RNAV (GPS) RWY 16, Amdt 1
College Station, TX, Easterwood Field, RNAV (GPS) RWY 28, Amdt 1
College Station, TX, Easterwood Field, RNAV (GPS) RWY 34, Amdt 1
Crosbyton, TX, Crosbyton Muni, GPS RWY 35, Orig-B, CANCELLED
Crosbyton, TX, Crosbyton Muni, RNAV (GPS) RWY 17, Orig
Crosbyton, TX, Crosbyton Muni, RNAV (GPS) RWY 35, Orig
Houston, TX, David Wayne Hooks Memorial, LOC RWY 17R, Amdt 2
Lockhart, TX, Lockhart Muni, GPS RWY 18, Orig, CANCELLED
Lockhart, TX, Lockhart Muni, GPS RWY 36, Orig-C, CANCELLED
Lockhart, TX, Lockhart Muni, RNAV (GPS) RWY 18, Orig
Lockhart, TX, Lockhart Muni, RNAV (GPS) RWY 36, Orig
Lockhart, TX, Lockhart Muni, Takeoff Minimums and Obstacle DP, Orig
Midland, TX, Midland Airpark, RNAV (GPS) RWY 25, Orig
Delta, UT, Delta Muni, RNAV (GPS) RWY 17, Amdt 1
Delta, UT, Delta Muni, RNAV (GPS) RWY 35, Amdt 1
Roanoke, VA, Roanoke Rgnl/Woodrum Field, ILS OR LOC RWY 34, Amdt 13
Roanoke, VA, Roanoke Rgnl/Woodrum Field, LDA RWY 6, Amdt 10
Roanoke, VA, Roanoke Rgnl/Woodrum Field, RNAV (GPS) RWY 6, Amdt 1
Roanoke, VA, Roanoke Rgnl/Woodrum Field, RNAV (GPS) RWY 24, Amdt 1
Roanoke, VA, Roanoke Rgnl/Woodrum Field, RNAV (GPS) RWY 34, Amdt 1
Roanoke, VA, Roanoke Rgnl/Woodrum Field, Takeoff Minimums and Obstacle DP, Amdt 9
Roanoke, VA, Roanoke Rgnl/Woodrum Field, VOR/DME–A, Amdt 7
Roanoke, VA, Roanoke Rgnl/Woodrum Field, VOR/NDB RWY 34, Amdt 1
Arlington, WA, Arlington Muni, LOC RWY 34, Amdt 5
Arlington, WA, Arlington Muni, NDB RWY 34, Amdt 4
Arlington, WA, Arlington Muni, RNAV (GPS) RWY 34, Orig
Arlington, WA, Arlington Muni, Takeoff Minimums & Obstacle DP, Amdt 3
Bellingham, WA, Bellingham Intl, ILS OR LOC RWY 16, Amdt 5B
La Crosse, WI, La Crosse Muni, RNAV (GPS) RWY 3, Amdt 1
Madison, WI, Dane County Rgnl-Truax Field, ILS OR LOC/DME RWY 18, Amdt 1
Madison, WI, Dane County Rgnl-Truax Field, ILS OR LOC/DME RWY 36, Amdt 1
Madison, WI, Dane County Rgnl-Truax Field, RNAV (GPS) RWY 18, Amdt 2
Madison, WI, Dane County Rgnl-Truax Field, RNAV (GPS) RWY 36, Amdt 2
Milwaukee, WI, Lawrence J Timmerman, RNAV (GPS) RWY 4L, Orig
Milwaukee, WI, Lawrence J Timmerman, RNAV (GPS) RWY 22R, Orig-A
Beckley, WV, Raleigh County Memorial, ILS OR LOC RWY 19, Amdt 6
Beckley, WV, Raleigh County Memorial, RNAV (GPS) RWY 1, Amdt 1
Beckley, WV, Raleigh County Memorial, RNAV (GPS) RWY 10, Amdt 1
Beckley, WV, Raleigh County Memorial, RNAV (GPS) RWY 19, Amdt 1
Beckley, WV, Raleigh County Memorial, RNAV (GPS) RWY 28, Amdt 1
Ravenswood, WV, Jackson County, GPS RWY 4, Orig, CANCELLED
Ravenswood, WV, Jackson County, GPS RWY 22, Orig, CANCELLED
Ravenswood, WV, Jackson County, RNAV (GPS) RWY 4, Orig
Ravenswood, WV, Jackson County, RNAV (GPS) RWY 22, Orig
Ravenswood, WV, Jackson County, Takeoff Minimums and Obstacle DP, Amdt 2

[FR Doc. 2011–16784 Filed 7–8–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 730, 748 and 754

[Docket No. 110224166–1212–01]

RIN 0694–AF08

Paperwork Reduction Act: Updated List of Approved Information Collections and Removal of a Redundant Reporting Requirement

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule makes several technical amendments to the Export Administration Regulations (EAR). This rule corrects one omission of a publication date in the authority citation paragraph of part 730 of the Export Administration Regulations. It revises the address of the Bureau of Industry and Security's (BIS) Western Regional Office at two places in the EAR to reflect the recent relocation of that office. Additionally, this rule updates the table of authorized information collection control numbers in

Supplement No. 1 to part 730 of the EAR to reflect consolidation of several authorizations relating to license exceptions and exclusions into a single authorization with a single control number. Finally, this rule removes a requirement to report to BIS certain exports of oil transported from the North Slope of Alaska over Federal rights-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act because BIS can now obtain this information from the Automated Export System (AES).

DATES: This rule is effective July 11, 2011.

FOR FURTHER INFORMATION CONTACT: William Arvin, Regulatory Policy Division, Office of Exporter Services, e-mail *william.arvin@bis.doc.gov,* telephone (202) 482–2440.

SUPPLEMENTARY INFORMATION:

Background

Through this rule, BIS is undertaking the following actions:

Adding Omitted Date to an Authority Citation

In a previous rule that, *inter alia,* updated the authority citation paragraph for part 730 of the EAR (76 FR 21631, April 18, 2011), BIS inadvertently omitted the publication date of the most recent Presidential notice listed in that paragraph. This rule corrects the omission by adding the date ''January 18, 2011'' to the end of the authority citation paragraph for part 730 of the EAR.

Updating Address and Telephone Number

Recently, BIS's Western Regional Office moved to a new location. This rule revises § 730.8(c) of the EAR to include the address and telephone number of the new location.

Consolidation of Information Collections

Supplement No. 1 to part 730 of the EAR contains a table that lists approved information collections that are related to the EAR. In 2010, the Office of Management and Budget approved BIS's requests to consolidate approved information collections that relate license exceptions or other exemptions from EAR requirements into a single approved collection with OMB control number 0694–0137, entitled ''License Exemptions and Exclusions.'' Accordingly, this rule removes the entries for OMB control numbers 0694–0023, 0694–0025, 0694–0027, 0694–0029, 0694–0033, 0694–0086, 0694–0101, 0694–0104, 0694–0106, 0694–0123 and 0694–0133 from the table and adds an entry for control number 0694–0137.

Removal of Redundant Reporting Requirement

In 1996, the Department of Commerce created License Exception TAPS to authorize the export of crude oil from the North Slope of Alaska and transported over Federal rights-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (61 FR 27255, May 31, 1996). This license exception required exporters to submit to the Bureau of Export Administration (the predecessor of BIS) a copy of the same Shippers Export Declaration that the exporter was required to submit to U.S. Customs for transmittal to the Bureau of the Census. Subsequently, U.S. Customs and the Bureau of the Census developed AES, and required all exporters to use it to electronically submit export related information that had previously been submitted via paper declaration. In 2010, the Bureau of the Census gave BIS authorization to access AES data specific to individual transactions. This authorization gave BIS access, via the AES system, to export data connected with License Exception TAPS. Due to this new access, BIS concluded that the separate reporting requirement created by the TAPS License Exception was redundant. Accordingly, this rule removes that reporting requirement from § 754.2 of the EAR.

Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to, nor is subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule affects a collection of information approved by OMB under control number 0607–0137: License Exemptions and Exclusions. BIS estimates that this rule will reduce the burden associated with that collection by 10 hours annually. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to *jseehra@omb.eop.gov,* or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, Room 2099B, 14th Street and Pennsylvania Ave., NW., Washington, DC 20230 or by e-mail to *publiccomments@bis.doc.gov.*

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

4. BIS finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are unnecessary. This rule (1) updates a statement of legal authority to state completely the authority conferred by a Presidential decision; (2) updates an address and telephone number to accurately reflect current information about BIS's Western Regional Office; (3) updates a table of approved information collections to reflect decisions already made by the Office of Management and Budget; and (4) removes a requirement that certain exporters submit directly to BIS information that those same exporters are also required to submit to the government via the AES and that is now available to BIS via that same system. This rule makes no changes to the rights of any person under the EAR, nor does it impose any additional burdens or requirements on the public. The only change that this rule makes to any person's obligations under the EAR is to relieve some exporters of the requirement to report to BIS information that they have reported to another government agency and to which BIS now has ready access.

In addition, the 30-day delay in effectiveness required by 5 U.S.C. 553(d) is unnecessary and contrary to the public interest here, where BIS is updating an authority citation, an address and telephone number and the approved collections table because these are technical changes that do not alter any right, duty, obligation or prohibition that applies to any person under the EAR. The 30-day delay is inapplicable to the removal of the redundant reporting requirement that this rule provides because such removal grants an exemption from a requirement.

Moreover, any delay in the effective date of the contact information for BIS's office may cause public confusion and/or errors by the public; thus delaying the effective date of this regulation is contrary to the public interest.

No other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule; therefore, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects

15 CFR Part 730

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

15 CFR Part 748

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

15 CFR Part 754

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

Accordingly, the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 730—[AMENDED]

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

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 2151 note; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p.133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p.208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010); Notice of November 4, 2010, 75 FR 68673 (November 8, 2010); Notice of January 13, 2011, 76 FR 3009 (January 18, 2011).

■ 2. Section 730.8 is amended by revising the last sentence in paragraph (c) to read as follows:

§ 730.8 How to proceed and where to get help.

* * * * *

(c) * * * General information including assistance in understanding the EAR, information on how to obtain forms, electronic services, publications, and information on training programs offered by BIS, is available from the Office of Export Services at the following locations: Outreach and Educational Services Division, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Room H1099D, Washington, DC 20230, Tel: (202) 482–4811, Fax: (202) 482–2927, and Bureau of Industry and Security, Western Regional Office, U.S. Department of Commerce, 2302 Martin St., Suite 330, Irvine, CA 92612, Tel: (949) 660–0144, Fax: (949) 660–9347, and Bureau of Industry and Security, Western Regional Office, Northern California Branch, U.S. Department of Commerce, 160 W. Santa Clara Street, Suite 725, San Jose, CA 95113, Tel: (408) 998–8806, Fax: (408) 998–8677.

■ 3. The table in Supplement No. 1 to part 730 is amended by:

■ a. Removing the entries for collection numbers 0694–0023, 0694–0025, 0694–0027, 0694–0029, 0694–0033, 0694–0086, 0694–0101, 0694–0104, 0694–0106, 0694–0123 and 0694–0133; and

b. Adding immediately following the entry for collection number 0694–0134 and immediately preceding the entry for collection number 0607–0152, a new entry for collection number 0694–0137 to read as follows:

Supplement No. 1 to Part 730—Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Numbers

Collection No.	Title	Reference in the EAR
*	*	*
0694–0137	License Exemptions and Exclusions	§ 734.4, Supplement No. 2 to part 734, §§ 740.3(d), 740.4(c), 740.9(a)(2)(viii)(B), 740.9(c), 740.13(e), 740.12(b)(7), 740.17, 740.18, Supp. No. 2 to Part 740, §§ 742.15, 743.1, 743.3, 754.2, 754.4, 762.2(b) and Supplement No. 1 to part 774
*	*	*

* * * * *

PART 748—[AMENDED]

■ 4. The authority citation for part 748 continues to read as follows:

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

■ 5. Section 748.2 is amended by revising paragraph (a) to read as follows:

§ 748.2 Obtaining forms; mailing addresses.

(a) You may obtain the forms required by the EAR from any U.S. Department of Commerce District Office; or in person or by telephone or facsimile from the following BIS offices:

(1) Outreach and Educational Services Division, U.S. Department of Commerce, 14th Street and Pennsylvania Ave., NW., Room H1099D, Washington, DC 20230, Tel: (202) 482–4811, Fax: (202) 482–2927, or

(2) Western Regional Office, Northern California Branch, U.S. Department of Commerce, 2302 Martin St., Suite 330, Irvine, CA 92612, Tel: (949) 660–0144, Fax: (949) 660–9347, or

(3) Bureau of Industry and Security, 160 W. Santa Clara Street, Suite 725, San Jose, CA 95113, Tel: (408) 998–8805 or (408) 998–8806, Fax: (408) 998–8677.

* * * * *

PART 754—[AMENDED]

■ 6. The authority citation for part 754 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 30 U.S.C. 185(s), 185(u); 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p.

114; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

§ 754.2—[Amended]

■ 7. Section 754.2 is amended by removing paragraph (j)(2) and redesignating paragraph (j)(3) as paragraph (j)(2) .

Dated July 1, 2011.

Matthew S. Borman,

Acting Assistant Secretary for Export Administration.

[FR Doc. 2011–17356 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–33–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 240 and 260

[Release Nos. 33–9231; 34–64794; 39–2475; File No. S7–26–11]

RIN 3235–AL17

Exemptions for Security-Based Swaps

AGENCY: Securities and Exchange Commission.

ACTION: Interim final rules; request for comments.

SUMMARY: We are adopting interim final rules providing exemptions under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Trust Indenture Act of 1939 for those security-based swaps that under current law are security-based swap agreements and will be defined as ''securities'' under the Securities Act and the Exchange Act as of July 16, 2011 due solely to the provisions of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The interim final rules will exempt offers and sales of these security-based swaps from all provisions of the Securities Act, other than the Section 17(a) anti-fraud provisions, as well as exempt these security-based swaps from Exchange Act registration requirements and from the provisions of the Trust Indenture Act, provided certain conditions are met. The interim final rules will remain in effect until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant.''

DATES: *Effective Date:* The interim final rules are effective July 11, 2011 Comments should be received on or before August 15, 2011.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/interim-final-temp.shtml*);
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–26–11 on the subject line; or
- Use the Federal Rulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

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 S7–26–11. This file number should be included on the subject line if e-mail is used. To help us process and review your comments more efficiently, please use only one method. We will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/interim-final-temp.shtml*). Comments also are available for public inspection and copying 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Andrew Schoeffler, Special Counsel, Office of Capital Market Trends, Division of Corporation Finance, at (202) 551–3860, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–3628.

SUPPLEMENTARY INFORMATION: We are adopting interim final Rule 240 under the Securities Act of 1933 (''Securities Act''),[1] interim final Rule 12a–11 and Rule 12h–1(i) under the Securities Exchange Act of 1934 (''Exchange Act''),[2] and interim final Rule 4d–12 under the Trust Indenture Act of 1939 (''Trust Indenture Act'').[3]

I. Background

On July 21, 2010, President Barack Obama signed the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'') into law.[4] The Dodd-Frank Act was enacted, among other reasons, to promote the financial stability of the United States by improving accountability and transparency in the financial system.[5] The recent financial crisis demonstrated the need for enhanced regulation of the over-the-counter (''OTC'') derivatives markets, which have experienced dramatic growth in recent years[6] and are capable of affecting significant sectors of the U.S. economy.[7] Title VII of the Dodd-Frank Act (''Title VII'') establishes a regulatory regime applicable to the OTC derivatives markets by providing the Securities and Exchange Commission (''Commission'' or ''we'') and the Commodity Futures Trading Commission (''CFTC'') with the tools to oversee these heretofore largely unregulated markets. Title VII provides that the CFTC will regulate ''swaps,'' the Commission will regulate ''security-based swaps,'' and the CFTC and the Commission will jointly regulate ''mixed swaps.''[8]

Title VII amends the Securities Act and the Exchange Act to substantially expand the regulation of the security-based swap markets, establishing a new regulatory framework within which such markets can continue to evolve in a more transparent, efficient, fair, accessible, and competitive manner.[9] The Title VII amendments to the Exchange Act impose, among other requirements, the following: (1) Registration and comprehensive oversight of security-based swap dealers

[1] 15 U.S.C. 77a *et seq.*

[2] 15 U.S.C. 78a *et seq.*

[3] 15 U.S.C. 77aaa *et seq.*

[4] The Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[5] *See, e.g.,* Public Law 111–203, Preamble.

[6] From their beginnings in the early 1980s, the notional value of these markets has grown to almost $600 trillion globally. *See* Monetary and Econ. Dep't, Bank for Int'l Settlements, *Triennial and Semiannual Surveys—Positions in Global Over-the-Counter (OTC) Derivatives Markets at End-June 2010* (Nov. 2010), *available at http://www.bis.org/publ/otc_hy1011.pdf.*

[7] *See* 156 Cong. Rec. S5878 (daily ed. July 15, 2010) (statement of Sen. Dodd).

[8] Section 712(d) of the Dodd-Frank Act provides that the Commission and the CFTC, in consultation with the Board of Governors of the Federal Reserve System, shall further define the terms ''swap,'' ''security-based swap,'' ''swap dealer,'' ''security-based swap dealer,'' ''major security-based swap participant,'' ''eligible contract participant,'' and ''security-based swap agreement.'' These terms are defined in sections 721 and 761 of the Dodd-Frank Act and the Commission and the CFTC have proposed to further define these terms in proposed joint rulemaking. *See Further Definition of ''Swap Dealer,'' ''Security-Based Swap Dealer,'' ''Major Swap Participant,'' ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant'',* Release No. 34–63452 (Dec. 7, 2010), 75 FR 80174 (Dec. 21, 2010)(''SBS Participant Definition Proposing Release''); and *Further Definition of ''Swap,'' ''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping,* Release No. 33–9204 (Apr. 29, 2011), 76 FR 29818 (May 23, 2011), corrected in Release No. 33–9204A (June 1, 2011), 76 FR 32880 (June 7, 2011)(''SBS Product Definition Proposing Release'').

[9] *See generally* subtitle B of Title VII.

and major security-based swap participants; [10] (2) reporting of security-based swaps to a registered security-based swap data repository, to the Commission, and to the public; [11] (3) clearing of security-based swaps through a registered clearing agency or through a clearing agency that is exempt from registration [12] if such security-based swaps are of a type that the Commission determines is required to be cleared, unless an exemption or exception from such mandatory clearing applies; [13] and (4) if a security-based swap is subject to the clearing requirement,[14] execution of the security-based swap transaction on an exchange, on a security-based swap execution facility (''security-based SEF'') registered under the Exchange Act,[15] or on a security-based SEF that has been exempted from registration by the Commission under the Exchange Act,[16] unless no security-based SEF or exchange makes such security-based swap available for trading.[17] Title VII also amends the Securities Act and the Exchange Act to include ''security-based swaps'' in the definition of ''security'' for purposes of those statutes.[18] As a result, ''security-based swaps'' will be subject to the provisions of the Securities Act and the Exchange Act and the rules thereunder applicable to ''securities.''

The provisions of Title VII generally are effective on July 16, 2011 (360 days after enactment of the Dodd-Frank Act, the ''Effective Date''), unless a provision requires a rulemaking. Specifically, if a Title VII provision requires a rulemaking, it will go into effect ''not less than'' 60 days after publication of the related final rule or on July 16, 2011, whichever is later.[19] We do not expect to complete all of the rulemaking we are directed to carry out pursuant to the provisions of Title VII prior to the Effective Date.

We have proposed to further define and provide guidance regarding the terms ''security-based swap'' [20] and ''eligible contract participant.'' [21] These proposed rules are among the rulemakings that will not be adopted by the Effective Date. We recognize that until we further define such terms, market participants may be uncertain as to how to comply with the applicable registration requirements of the Securities Act, the registration requirements of the Exchange Act applicable to classes of securities, and the indenture provisions of the Trust Indenture Act. In that regard, a number of commenters recently have raised concerns about potential uncertainty regarding the definitions of ''security-based swap'' and ''eligible contract participant'' and the related proposed rulemakings.[22] As part of our recent action providing guidance as to which of the requirements of Title VII will apply to security-based swap transactions as of the Effective Date and granting temporary relief to market participants from compliance with certain of these requirements, we granted certain temporary exemptions relating to security-based swap transactions with persons who are eligible contract participants as that term is defined today and relating to the operation of trading platforms for security-based swaps.[23] The exemption relating to eligible contract participants will allow persons currently participating in the security-based swap markets, who could potentially be considered non-eligible contract participants under the definition of ''eligible contract participant'' as amended by Title VII, to continue to do so until the term ''eligible contract participant'' is further defined in final rulemaking.[24] We also provided a temporary exemption to allow an entity that trades security-based swaps and is not currently registered as a national securities exchange or that cannot yet register as a security-based SEF because final rules for such registration have not yet been adopted, to continue trading security-based swaps during this temporary period without registering as a national securities exchange or security-based SEF.[25]

In addition to the matters addressed in our recent action, we understand that there are other implications for security-based swaps under the Securities Act, other provisions of the Exchange Act,

[10] *See* section 15F of the Exchange Act, 15 U.S.C. 78o–10.

[11] *See* section 3(a)(75) of the Exchange Act, 15 U.S.C. 78c(a)(75) (defining the term ''security-based swap data repository''). *See also Security-Based Swap Data Repository Registration, Duties, and Core Principles,* Release No. 34–63347 (Nov. 19, 2010), 75 FR 77306 (Dec. 10, 2010); corrected at 75 FR 79320 (Dec. 20, 2010) and 76 FR 2287 (Jan. 13, 2011)(proposed rules); and *Regulation SBSR—Reporting and Dissemination of Security-Based Swap Information,* Release No. 34–63346 (Nov. 19, 2010), 75 FR 75208 (Dec. 2, 2010) (proposed rules).

[12] *See* subparagraphs (i) and (j) to Section 17A of the Exchange Act, 15 U.S.C. 78q–1. *See also Clearing Agency Standards for Operation and Governance,* Release No. 34–64017 (Mar. 3, 2011), 76 FR 14472 (Mar. 16, 2011)(proposed rules).

[13] *See* section 3C(a)(1) of the Exchange Act, 15 U.S.C. 78c–3(a)(1). *See also Process for Submissions for Review of Security-Based Swaps for Mandatory Clearing and Notice Filing Requirements for Clearing Agencies; Technical Amendments to Rule 19b–4 and Form 19b–4 Applicable to All Self-Regulatory Organizations,* Release No. 34–63557 (Dec. 15, 2010), 75 FR 82490 (Dec. 30, 2010)(proposed rules).

[14] *See* section 3C(g) of the Exchange Act, 15 U.S.C. 78c–3(g) (providing an exception to the clearing requirement for certain persons).

[15] 15 U.S.C. 78c–4.

[16] 15 U.S.C. 78c–4(e).

[17] *See* section 3C(g) of the Exchange Act, 15 U.S.C. 78c–3(g). *See* section 3C(h) of the Exchange Act, 15 U.S.C. 78c–3(h). *See also* section 3(a)(77) of the Exchange Act, 15 U.S.C. 78c(77) (defining the term ''security-based swap execution facility''). *See also Registration and Regulation of Security-Based Swap Execution Facilities,* Release No. 34–63825 (Feb. 2, 2011), 76 FR 10948 (Feb. 28, 2011)(''Security-Based SEF Proposing Release'').

[18] *See* sections 761(a)(2) and 768(a)(1) of the Dodd-Frank Act (amending sections 3(a)(10) of the Exchange Act, 15 U.S.C. 78c(a)(10), and 2(a)(1) of the Securities Act, 15 U.S.C. 77b(a)(1), respectively).

[19] *See* Section 774 of the Dodd-Frank Act, 15 U.S.C. 77b note. As we noted in our recent *Order Pursuant to Sections 15F(b)(6) and 36 of the Securities Exchange Act of 1934 Granting Temporary Exemptions and Other Temporary Relief, Together with Information on Compliance Dates for New Provisions of the Securities Exchange Act of 1934 Applicable to Security-Based Swaps, and Request for Comment,* Release No. 34–64678 (June 15, 2011)(''Effective Date Order''), the effective date of certain provisions or requirements may require other Commission actions before the parties can comply with mandated obligations.

[20] *See* SBS Product Definition Proposing Release, *supra* note 8.

[21] *See* SBS Participant Definition Proposing Release, *supra* note 8. The term ''eligible contract participant'' currently is defined in Section 1a(12) of the Commodity Exchange Act (7 U.S.C. 1a(12)). For purposes of transactions in security-based swap agreements, ''eligible contract participant'' is defined by reference to such section as in effect on the date of enactment of the Commodity Futures Modernization Act (Public Law 106–554, 114 Stat. 2763 (2000)) and does not include any person determined by the CFTC to be an eligible contract participant pursuant to their authority in Section 1a(12)(C) of the Commodity Exchange Act (7 U.S.C. 1a(12)). Title VII amended the definition of ''eligible contract participant'' to narrow in some respects the definition of eligible contract participant in Section 1a(12). *See* footnote 38, *supra.*

[22] *See, e.g.,* Letter from American Bankers Association, Financial Services Roundtable, Futures Industry Association, Institute of International Bankers, International Swaps and Derivatives Association, Investment Company Institute, Securities Industry and Financial Markets Association, U.S. Chamber of Commerce (June 10, 2011)(''Trade Association Letter''). (''The definition of [eligible contract participant] was amended by [the Dodd-Frank Act], and the [Commission and the CFTC] have sought comments in [the SBS Participant Definition Proposing Release] on how to further define such term, including how to interpret the phrase ''discretionary basis.'' Until the term [eligible contract participant] is further defined in a final rulemaking, market participants will not know whether they are dealing with an [eligible contract participant], and where the line is between their institutional and retail businesses. As a result, they will not know * * * whether certain transactions are subject to the new requirement for [non-eligible contract participant] transactions to be executed on an exchange. * * * As a result, market participants may cease or severely limit their business with counterparties that could potentially be considered [non-eligible contract participants] under the Dodd-Frank statutory definition of [eligible contract participant].'').

[23] *See* Effective Date Order, *supra* note19.

[24] *See Id.*

[25] *See Id.*

and the Trust Indenture Act. As we note, we have received comments expressing concern regarding the implications of including security-based swaps in the definition of ''security.'' Commenters have indicated that they are still analyzing the full implications of such expansion of the definition of ''security,'' but that it will take time. Market participants therefore have requested temporary relief from certain provisions of the Securities Act and the Exchange Act so that parties may complete their analysis and submit requests for more targeted relief.[26]

While we recently proposed exemptions under the Securities Act, the Exchange Act and the Trust Indenture Act for security-based swaps issued by certain clearing agencies in their function as central counterparties (CCP) under certain conditions (the ''Proposed SBS Exemptions'') [27] and also recently extended our temporary rules that provided certain exemptions under the Securities Act, the Exchange Act and the Trust Indenture Act for cleared credit default swaps (the ''Temporary CDS Rules''),[28] these exemptions would not apply to transactions in security-based swaps, including credit default swaps, not involving a clearing agency. We also note that while the Temporary CDS Rules will be in place on the Effective Date, the Proposed SBS exemptions will not.

As a result, because security-based swaps will become securities on the Effective Date, absent the action we take in this release, counterparties entering into transactions in security-based swaps that are not within the scope of the Temporary CDS Rules will either need to rely on other available exemptions from the requirements of the Securities Act, the Exchange Act, and, if applicable, the Trust Indenture Act, or to consider whether to register such transactions or class of security.[29]

We note that under current law, certain security-based swaps—specifically those within the pre-Dodd-Frank Act definition of ''security-based swap agreement'' entered into between eligible contract participants and subject to individual negotiation—are outside the scope of the federal securities laws, other than the anti-fraud and certain other provisions.[30] Up until now, these security-based swaps have been traded or otherwise transacted without concerns about complying with the registration requirements of the Securities Act, the registration requirements of the Exchange Act applicable to classes of securities, or the indenture provisions of the Trust Indenture Act. We understand that there are several types of trading platforms currently being used to effect transactions in security-based swaps that would likely register as security-based SEFs,[31] and that this activity would continue after the Effective Date.[32] We understand that if parties continue to engage in the same types of trading activities after the Effective Date that they may be engaging in currently with respect to security-based swap agreements that may be security-based swaps on the Effective Date, such activities may raise concerns about the availability of an exemption from the registration requirements of the Securities Act, such as the private placement exemption in Securities Act Section 4(2).[33]

We have recognized that implementation of the Title VII provisions raises issues in a number of contexts. As we noted in our recent action, in furtherance of the Dodd-Frank Act's stated objective of promoting financial stability in the U.S. financial system, we intend to move forward expeditiously with the implementation of the new security-based swap requirements in an efficient manner, while minimizing unnecessary disruption and costs to the markets.[34] We recognize that many market participants will find compliance with Title VII to be a substantial undertaking. Security-based swap markets already exist, are global in scope, and have generally grown in the absence of regulation in the United States and elsewhere. In addition, the security-based swap markets are interconnected with other financial markets, including the traditional securities markets. In order to comply with Title VII provisions and related rules, we recognize that market participants will need additional time to acquire and configure necessary systems or to modify existing practices and systems, engage and train necessary staff, and develop and implement necessary policies and procedures. Furthermore, some of these changes cannot be undertaken until certain rules are finalized.

We are concerned about disrupting the operation of the security-based swap markets until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant.'' In our view, it is appropriate to permit those security-based swap transactions that, prior to the Effective Date, would be transactions in security-based swap agreements between eligible contract participants (and, therefore, not subject to the registration requirements of the Securities Act, the registration requirements of the Exchange Act applicable to classes of securities, and the indenture provisions of the Trust Indenture Act) to continue to be entered into as they are today until the compliance date for such final rules. Thus, we believe that it is necessary and appropriate in the public interest and consistent with the protection of investors, pending the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant,'' to provide interim exemptions from all provisions of the Securities Act (other than the Section 17(a) antifraud provisions), the registration requirements of the Exchange Act relating to classes of securities, and the indenture provisions of the Trust Indenture Act for those security-based swaps that would have been, prior to the Effective Date, within the definition of ''security-based swap

[26] *See* Trade Association Letter, *supra* note 22.

[27] *See Exemptions For Security-Based Swaps Issued By Certain Clearing Agencies,* Release No. 33–9222 (June 9, 2011), 76 FR 34920 (June 15, 2011) (''SBS Exemptions Proposing Release''). The proposed exemptions would exempt transactions by clearing agencies in security-based swaps from all provisions of the Securities Act, other than the Section 17(a) anti-fraud provisions, as well as exempt these security-based swaps from Exchange Act registration requirements and from the provisions of the Trust Indenture Act, provided certain conditions are met.

[28] *See Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps,* Release No. 33–8999 (Jan. 14, 2009), 74 FR 3967 (Jan. 22, 2009); *Extension of Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps,* Release No. 33–9063 (Sep. 14, 2009), 74 FR 47719 (Sep. 17, 2009); and *Extension of Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps,* Release No. 33–9158 (Nov. 19, 2010), 75 FR 72660 (Nov. 26, 2010).

[29] *See* SBS Exemptions Proposing Release, *supra* note 27.

[30] *See* Section 2A of the Securities Act (15 U.S.C. 77b(b)–1) and Section 3A of the Exchange Act (15 U.S.C. 78c–1). The definition of ''security-based swap agreement'' includes the definition of ''swap agreement,'' which requires that the agreement, contract or transaction be ''subject to individual negotiation'' and be between eligible contract participants.

[31] *See* Security-Based SEF Proposing Release, *supra* note 17. As we note above, we recently addressed certain issues relating to these trading platforms pending adoption of rules relating to security-based SEFs. *See* Effective Date Order, *supra* note 19.

[32] We requested comment on these issues in the SBS Exemptions Proposing Release. *See* SBS Exemptions Proposing Release, *supra* note 27.

[33] 15 U.S.C. 77d(2). Section 4(2) provides an exemption from registration for transactions by an issuer not involving any public offering.

[34] *See* Effective Date Order, *supra* note 19.

agreement'' under Securities Act Section 2A [35] and Exchange Act Section 3A [36] and are entered into solely between eligible contract participants (as defined prior to the Effective Date).

II. Discussion of the Interim Final Rules

We are adopting interim final rules to provide certain conditional exemptions under the Securities Act, the Exchange Act and the Trust Indenture Act.

A. Securities Act Rule 240

We are adopting interim final Securities Act Rule 240 to exempt from all provisions of the Securities Act, except the anti-fraud provisions of Section 17(a), subject to certain conditions, the offer or sale of those security-based swaps that under current law are security-based swap agreements (which under that definition must be entered into between eligible contract participants and subject to individual negotiation) and that will be defined as ''securities'' under the Securities Act on the Effective Date due solely to the provisions of Title VII. Securities Act Rule 240 will permit the offer or sale of these security-based swaps between eligible contract participants without requiring compliance with Securities Act Section 5.

The definition of ''security-based swap'' in Title VII and ''security-based swap agreement'' in Securities Act Section 2A are not identical.[37] In addition, the amendments to the definition of ''eligible contract participant'' in Title VII narrow in some respects the definition of ''eligible contract participant'' in the Commodity Exchange Act.[38] In addition, we note that because certain persons may be eligible contract participants today but as a result of the narrower definition may no longer be eligible contract participants after the Effective Date, without an exemption, certain counterparties may not be able to offer or sell such security-based swaps without compliance with the registration requirements of the Securities Act.[39] As a result of such differences, to avoid uncertainty as to the applicability of the Securities Act registration requirements pending the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant'' and to allow transactions between persons who are eligible contract participants today, we believe it is appropriate to provide an exemption that will allow market participants to continue to enter into transactions that come within the pre-Dodd-Frank Act definition of ''security-based swap agreements.''

Under Securities Act Rule 240, a security-based swap will be exempt from the registration requirements of the Securities Act if it would have been a ''security-based swap agreement'' under the Securities Act prior to the Effective Date and is entered into between eligible contract participants (as that term was defined prior to the Effective Date).[40] The purpose of these conditions is to allow those types of security-based swaps that were not defined as a ''security'' under the Securities Act prior to the Effective Date to continue to be transacted following the Effective Date until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant.'' [41]

B. Exchange Act Rule 12a–11 and Rule 12h–1(i)

We also are adopting two interim final rules relating to Exchange Act registration of security-based swaps. We are adopting interim final Exchange Act Rule 12a–11 to exempt any security-based swap offered and sold in reliance on Securities Act Rule 240 from the provisions of Exchange Act Section 12(a). As with our recent exemption affecting persons who are eligible contract participants, this exemption is intended to allow trading activities relating to those security-based swaps that under current law are security-based swap agreements with eligible contract participants to continue, provided the parties rely on the Rule 240 Securities Act exemption with respect to such security-based swaps. We also are adopting an interim final amendment to Exchange Act Rule 12h–1 to exempt any security-based swap offered and sold in reliance on Securities Act Rule 240 from the provisions of Exchange Act Section 12(g). While we do not know whether there will be a class of security-based swaps that otherwise would satisfy the registration threshold under Exchange Act Section 12(g), we believe it is appropriate to provide this exemption while we continue to learn about and evaluate the type of security-based swap transactions that have been and will be transacted.

C. Trust Indenture Act Rule 4d–12

We are adopting an interim final rule under Trust Indenture Act Section 304(d) that will exempt any security-based swap offered or sold in reliance on Securities Act Rule 240 from having to comply with the provisions of the Trust Indenture Act. We believe an exemption from the Trust Indenture Act is appropriate in this situation.

The Trust Indenture Act is aimed at addressing problems that unregulated debt offerings pose for investors and the public, and provides a mechanism for debt holders to protect and enforce their rights with respect to the debt. We do not believe that the protections contained in the Trust Indenture Act are needed at this time to protect eligible contract participants to whom a sale of security-based swaps is made in reliance on Securities Act Rule 240. At this point, we believe that the identified problems that the Trust Indenture Act is intended to address do not occur in the offer and sale of these security-based swaps. For example, these security-based swaps are contracts between two

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[35] 15 U.S.C. 77b(b)–1.

[36] 15 U.S.C. 78c–1.

[37] *See* Section 2A of the Securities Act (15 U.S.C. 77b(b)–1).

[38] *See* Section 1a(12) of the Commodity Exchange Act (7 U.S.C. 1a(12)) (prior to July 16, 2011) and Commodity Exchange Act Section 1a(18) (as re-designated and amended by Section 721 of the Dodd-Frank Act. See Public Law 111–203, § 761(a) (adding Exchange Act Section 3(a)(65), which refers to the definition of eligible contract participant in the CEA). The definition of eligible contract participant contained in the Commodity Exchange Act (as amended by the Dodd-Frank Act) includes: financial institutions; insurance companies; investment companies; other entities and employee benefit plans; State and local municipal entities; market professionals, such as broker dealers, futures commission merchants, floor brokers, and investment advisors; and natural persons with a specified dollar amount invested on a discretionary basis. For purposes of the eligible contract participant definition after the Effective Date, certain of the entities, market professionals, and natural persons must meet certain conditions relating to the amount of assets or amount of monies invested on a discretionary basis. The Dodd-Frank Act amendments to the eligible contract participant definition increased the dollar threshold for certain persons and, with respect to natural persons, replaced a ''total assets'' test with an ''amounts invested on a discretionary basis'' test.

[39] *See* Public Law 111–203 § 768(b) (adding Section 5(d) of the Securities Act). Under Section 5(d), no offers or sales of security-based swaps may be made to non-eligible contract participants unless there is an effective registration statement under the Securities Act covering transactions in such security-based swap and any security-based swap transaction with a non-eligible contract participant must be effected on a national securities exchange. In our Effective Date Order, we have provided an exemption, under certain circumstances, to allow transactions to continue with persons who today are eligible contract participants. *See* Effective Date Order, *supra* note 19.

[40] *See* 7 U.S.C. 1a(12). As we note above, the exemption applies only to those persons who are within the definition of ''eligible contract participant'' contained in the definition of ''swap agreement'' under Securities Act Section 2A. *See* 15 U.S.C. 77b(b)–1 and Public Law 106–554, 114 Stat. 2763, 2763A–378 (2001).

[41] We note that the exemption will not cover credit-default swaps that are covered by the Temporary CDS Rules, as such cleared credit default swaps may not come within the definition of ''security-based swap agreement'' because of the absence of the condition that they be subject to individual negotiation.

parties and, as a result, do not raise the same problem regarding the ability of parties to enforce their rights under the instruments as would, for example, a debt offering to the public. Moreover, enforcement of contractual rights and obligations under these security-based swaps would occur directly between such parties, and it appears that the Trust Indenture Act provisions would not provide any additional meaningful substantive or procedural protections.

Accordingly, due to the nature of those security-based swaps that may be sold in reliance on Securities Act Rule 240, we do not believe the protections contained in the Trust Indenture Act are currently needed with respect to those instruments. Therefore, we believe the exemption is necessary and appropriate in the public interest, consistent with the protection of investors and the purposes fairly intended by the Trust Indenture Act.

D. Request for Comment

We request and encourage any interested person to submit comments regarding the interim final rules. In particular, we solicit comment on the following questions:

1. How will the exemptions affect, if at all, the manner in which security-based swaps are transacted today and are expected to be transacted following the Effective Date?

2. Will the counterparties to security-based swaps be able to rely on other available exemptions from registration under the Securities Act and the Exchange Act? If not, why? Is further guidance or rules needed in this regard? If so, what type of guidance or rules would be helpful?

3. Are security-based swaps transacted today or expected to be transacted following the Effective Date in a manner that would not permit the parties to rely on existing exemptions under the Securities Act and the Exchange Act? If so, please explain in detail why existing exemptions would not be available.

4. Should we consider additional exemptions under the Securities Act and the Exchange Act for security-based swaps traded on a national securities exchange or security-based SEF with eligible contract participants? Should an exemption from Exchange Act registration be provided if all holders of the class of security-based swap are eligible contract participants? Why or why not? What conditions to any such exemption would be appropriate, if any?

5. Should we consider providing an exemption under the Securities Act that would allow a public offering of uncleared security-based swaps to eligible contract participants on a registered security-based SEF or national securities exchange? Why or why not? What conditions to any such exemption would be appropriate, if any?

6. We are interested in understanding what type of security-based swaps might not be eligible for the interim final exemptions. Are there security-based swaps transactions today that would not be encompassed within the scope of the interim final exemptions and that should be covered?

7. Do the interim final exemptions apply to all security-based swaps that should be exempted from the Securities Act, the Exchange Act and the Trust Indenture Act as of the Effective Date? If not, how should the interim final exemptions be revised such that these other security-based swaps would be included within the interim final exemptions?

8. The interim final Securities Act exemption contains particular conditions. Should the Securities Act exemption in Securities Act Rule 240 be conditioned in this manner? If not, why not?

9. Are the exemptions from the Securities Act, the Exchange Act and the Trust Indenture Act appropriate? If not, why not? Should we take a different approach?

III. Transition and Expiration Date of Interim Final Rules

The interim final rules will remain in effect until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participants.'' We anticipate that this term of the exemptions will provide us with time to evaluate the market for security-based swaps, and consider whether there are other exemptions that we should consider regarding security-based swap transactions between eligible contract participants.

Adoption of the interim final rules, which will be effective on July 11, 2011, will minimize disruptions and costs to the security-based swap markets that could occur on the Effective Date as a result of the effectiveness of the definitions of ''security-based swap'' and ''eligible contract participant'' on the Effective Date prior to the completion of rulemakings to further define these terms. We have included several requests for comment in this release. We will consider the public comments we receive in determining whether we should revise the interim final rules in any respect, as well as other actions we should take with respect to such exemptions.

IV. Other Matters

The Administrative Procedure Act generally requires an agency to publish notice of a proposed rulemaking in the **Federal Register**.[42] This requirement does not apply, however, if the agency ''for good cause finds * * * that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.''[43] Further, the Administrative Procedure Act also generally requires that an agency publish an adopted rule in the **Federal Register** 30 days before it becomes effective.[44] This requirement does not apply, however, if the agency finds good cause for making the rule effective sooner.[45] We, for good cause, find that notice and solicitation of comment before adopting the new rules is impracticable, unnecessary, or contrary to the public interest.

For the reasons we discussed throughout this release, we believe that we have good cause to act immediately to adopt the new rules on an interim final basis. The interim final rules are intended to minimize disruptions and costs to the security-based swap markets that could occur on the Effective Date as a result of the effectiveness of the definitions of ''security-based swap'' and ''eligible contract participant'' on the Effective Date prior to the completion of rulemakings to further define these terms. In addition, we had previously anticipated that additional exemptions would not be needed to preserve the status quo because we assumed that existing exemptions under the Securities Act would be available to participants in security-based swap transactions after the Effective Date. We have become aware, however, due to comments we have recently received, that there may be questions as to whether such exemptions may be available for all types of trading activities that may occur today involving instruments that will or may be encompassed in the definition of ''security-based swap.''[46] Moreover, we have requested comment on trading activities in our recent SBS Exemption Proposing Release.[47] We emphasize that we are requesting comments on the interim final rules and will carefully consider any comments that we receive in determining whether we should revise the interim final rules in any respect, as well as other actions we

[42] *See* 5 U.S.C. 553(b).

[43] *Id.*

[44] *See* 5 U.S.C. 553(d).

[45] *Id.*

[46] *See* Trade Association Letter, *supra* note 22.

[47] *See* SBS Exemption Proposing Release, *supra* note 27.

should take with respect to such exemptions.

The interim final rules will remain in effect until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant.'' We find that there is good cause to have the new rules effective as interim final rules and that notice and public procedure in advance of effectiveness of the interim final rules is impracticable, unnecessary and contrary to the public interest.[48]

V. Paperwork Reduction Act

The interim final rules do not impose any new ''collections of information'' within the meaning of the Paperwork Reduction Act of 1995 (''PRA''),[49] nor do they create any new filing, reporting, recordkeeping, or disclosure reporting requirements. Accordingly, we are not submitting the interim final rules to the Office of Management and Budget for review in accordance with the PRA.[50] We request comment on whether our conclusion that there are no collections of information is correct.

VI. Cost-Benefit Analysis

We are adopting interim final rules that will provide exemptions for those security-based swaps that under current law are ''security-based swap agreements'' between ''eligible contract participants'' (each as defined today) and that will be defined as ''securities'' under the Securities Act and the Exchange Act as of the Effective Date due solely to the provisions of Title VII. The interim final rules will exempt these security-based swaps from all provisions of the Securities Act, other than the Section 17(a) anti-fraud provisions, as well as exempt these security-based swaps from Exchange Act registration requirements and from the provisions of the Trust Indenture Act, provided certain conditions are met.

A. Benefits

The interim final rules are intended to minimize disruptions and costs to the security-based swap markets that could occur on the Effective Date until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant.'' The purpose of the exemptions is to allow market participants to continue to enter into those security-based swaps that under current law are defined as security-based swap agreements as they do today without concern that such security-based swap transactions may not comply with the provisions of the Securities Act, the registration provisions of the Exchange Act applicable to a class of security-based swaps, or the indenture provisions of the Trust Indenture Act. The exemptions will minimize the uncertainty as to the applicability of the Securities Act, the Exchange Act and the Trust Indenture Act that could occur on the Effective Date with respect to those security-based swaps that under current law are defined as security-based swap agreements as a result of the effectiveness of the definitions of ''security-based swap'' and ''eligible contract participant'' on the Effective Date prior to the completion of rulemakings to further define these terms.

Absent the exemptions, following the Effective Date, the offer and sale of those security-based swaps that under current law are defined as security-based swap agreements may have to be registered under the Securities Act, certain of those security-based swaps may have to be registered as a class under the Exchange Act, and the provisions of the Trust Indenture Act may need to be complied with. We believe that requiring compliance with these provisions likely would disrupt and impose unnecessary costs on this segment of the security-based swap markets. Absent the exemptions, we believe that certain market participants would incur additional costs due to compliance with the registration requirements of the Securities Act and the Exchange Act, as well as compliance with the provisions of the Trust Indenture Act. It also is possible that without the exemptions, a market participant may not continue to participate in these types of transactions if compliance with these provisions were infeasible (economically or otherwise).

A market participant will benefit from the exemptions because it will not have to file a registration statement covering the offer and sale of these security-based swaps or evaluate the availability of another existing exemption from such registration requirements. If the market participant is not required to register the offer and sale of these security-based swaps, it will not have to incur the additional costs of such registration, including legal and accounting costs. The availability of the exemptions under the Securities Act, the Exchange Act, and the Trust Indenture Act also would mean that market participants would not incur the costs of preparing disclosure documents describing these security-based swaps and from preparing indentures and arranging for the services of a trustee.

B. Costs

The interim final rules are exemptions, and thus do not impose new requirements on market participants. We recognize that a consequence of the exemptions would be the unavailability of certain remedies under the Securities Act and the Exchange Act and certain protections under the Trust Indenture Act for an interim period to the extent that any of these security-based swap transactions otherwise would be subject to the registration requirements of the Securities Act and the Exchange Act. Absent the exemptions, a market participant may have to file a registration statement covering the offer and sale of the security-based swaps, may have to register the class of security-based swaps that it has issued under the Exchange Act, which would provide investors with civil remedies in addition to antifraud remedies, and may have to satisfy the applicable provisions of the Trust Indenture Act. A registration statement covering the offer and sale of security-based swaps may provide certain information about the market participants, the security-based swap contract terms, and the identification of the particular reference securities, issuers, or loans underlying the security-based swap. As a result of the interim final rules, while an investor would be able to pursue an antifraud action in connection with the purchase and sale of security-based swaps under Exchange Act Section 10(b), it would not be able to pursue civil remedies under Securities Act Sections 11 or 12. We could still pursue an antifraud action in the offer and sale of security-based swaps under Securities Act Section 17(a).

VII. Consideration of Impact on the Economy, Burden on Competition and Promotion of Efficiency, Competition and Capital Formation

Exchange Act Section 23(a)(2)[51] requires us, when adopting rules under the Exchange Act, to consider the impact that any new rule would have on competition. Section 23(a)(2) prohibits us from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance

[48] This finding also satisfies the requirements of 5 U.S.C. 808(2), allowing the rule amendment to become effective notwithstanding the requirement of 5 U.S.C. 801 (if a federal agency finds that notice and public comment are ''impractical, unnecessary or contrary to the public interest,'' a rule ''shall take effect at such time as the federal agency promulgating the rule determines'').

[49] 44 U.S.C. 3501 *et seq.*

[50] 44 U.S.C. 3507(d) and 5 CFR 1320.11.

[51] 15 U.S.C. 78w(a)(2).

of the purposes of the Exchange Act. In addition, Securities Act Section 2(b)[52] and Exchange Act Section 3(f)[53] require us, when engaging in rulemaking where we are required to consider or determine whether an action is necessary or appropriate in the public interest, to also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.

We are adopting interim final rules that would provide exemptions under the Securities Act, the Exchange Act, and the Trust Indenture Act for those security-based swaps that under current law are security-based swap agreements and will be defined as ''securities'' under the Securities Act and the Exchange Act as of the Effective Date due solely to the provisions of Title VII. Because these exemptions would maintain the status quo with respect to the ability of market participants to engage in transactions in these security-based swaps, we do not believe that our actions today will impose a burden on competition. We also believe that the interim final rules will promote efficiency by minimizing disruptions and costs to the security-based swap markets that could occur as a result of the effectiveness of the definitions of ''security-based swap'' and ''eligible contract participant'' on the Effective Date prior to the completion of rulemakings to further define these terms. By allowing transactions in security-based swaps that under current law are security-based swap agreements to continue to be entered into between eligible contract participants as they are today until the compliance date for final rules that we may adopt further defining the terms ''security-based swap'' and ''eligible contract participant,'' and to the extent that such security-based swaps are used to hedge risks, including those related to the issuance of the referenced securities (as occurs with equity swaps and the issuance of convertible bonds, for example), the interim final rules will prevent potential impairment of the capital formation process.

The Commission requests comment on all aspects of this analysis and, in particular, on whether the interim final rules will place a burden on competition, as well as the effect of the proposal on efficiency, competition, and capital formation. Commenters are requested to provide empirical data and other factual support for their views, if possible.

[52] 15 U.S.C. 77b(b).

[53] 15 U.S.C. 78c(f).

VIII. Regulatory Flexibility Act Certification

The Commission hereby certifies that pursuant to 5 U.S.C. 605(b) that the interim final rules contained in this release will not have a significant economic impact on a substantial number of small entities.[54] The interim final rules apply only to counterparties that may engage in security-based swap transactions in reliance on the interim final rule providing an exemption under the Securities Act. The interim final exemption under the Securities Act provides that the exemption is available only to security-based swaps that are entered into between eligible contract participants, as that term is defined in Section 1a(12) of the Commodity Exchange Act prior to the Effective Date, and other than with respect to persons determined by the CFTC to be eligible contract participants pursuant to Section 1a(12)(C) of the Commodity Exchange Act (7 U.S.C. 1a(12)). Based on our existing information about the participants in the security-based swap markets, the Commission believes that the interim final rules would apply to few, if any, small entities.[55] For this reason, the interim final rules should not have a significant economic impact on a substantial number of small entities. We encourage written comments regarding this certification.

IX. Statutory Authority and Text of the Rules and Amendments

The rules described in this release are being adopted under the authority set forth in Sections 19 and 28 of the Securities Act; Sections 12(h), 23(a) and 36 of the Exchange Act; and Section 304(d) of the Trust Indenture Act.

List of Subjects in 17 CFR Parts 230, 240 and 260

Reporting and recordkeeping requirements, Securities.

Text of the Rules and Amendments

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

[54] *See* Securities Act Rule 157 (17 CFR 230.157), Exchange Act Rule 0–10(a) (17 CFR 240.0–10(a)) and Trust Indenture Act Rule 0–7 (17 CFR 260.0–7).

[55] For example, as revealed in a current survey conducted by Office of the Comptroller of the Currency, 99.9% of credit default swap positions by U.S. Commercial Banks and Trusts are held by those with assets over $10 billion. *See* Office of the Comptroller of the Currency, ''Quarterly Report on Bank Trading and Derivatives Activities First Quarter 2011'' (2011).

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

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

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

* * * * *

■ 2. Section 230.240 is added to read as follows:

§ 230.240 Exemption for certain security-based swaps.

(a) Except as expressly provided in paragraph (b) of this section, the Act does not apply to the offer or sale of any security-based swap that is:

(1) A *security-based swap agreement,* as defined in Section 2A of the Act (15 U.S.C. 77b(b)–1) as in effect prior to July 16, 2011; and

(2) Entered into between eligible contract participants (as defined in Section 1a(12) of the Commodity Exchange Act (7 U.S.C. 1a(12)) as in effect prior to July 16, 2011, other than a person who is an eligible contract participant under Section 1a(12)(C) of the Commodity Exchange Act as in effect prior to July 16, 2011).

(b) The exemption provided in paragraph (a) of this section does not apply to the provisions of Section 17(a) of the Act (15 U.S.C. 77q(a)).

(c) This rule will expire on the compliance date for final rules that the Commission may adopt further defining both the terms security-based swap and eligible contract participant. In such event, the Commission will publish a rule removing this section from 17 CFR part 230 or modifying it as appropriate.

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

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

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

* * * * *

■ 4. Section 240.12a–11 is added to read as follows:

§ 240.12a–11 Exemption of security-based swaps sold in reliance on Securities Act of 1933 Rule 240 (§ 230.240) from section 12(a) of the Act.

(a) The provisions of Section 12(a) of the Act (15 U.S.C. 78l(a)) do not apply to any security-based swap offered and sold in reliance on Rule 240 under the Securities Act of 1933.

(b) This rule will expire on the compliance date for final rules that the Commission may adopt further defining both the terms security-based swap and eligible contract participant. In such event, the Commission will publish a rule removing this section from 17 CFR part 240 or modifying it as appropriate.

■ 5. Section 240.12h–1 is amended by adding paragraph (i) to read as follows:

§ 240.12h–1 Exemptions from registration under section 12(g) of the Act.

* * * * *

(i) Any security-based swap offered and sold in reliance on Rule 240 under the Securities Act of 1933. This rule will expire on the compliance date for final rules that the Commission may adopt further defining both the terms *security-based swap* and *eligible contract participant.* In such event, the Commission will publish a rule removing this paragraph (i) from 17 CFR part 240 or modifying it as appropriate.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

■ 6. The authority citation for Part 260 continues to read as follows:

Authority: 15 U.S.C. 77eee, 77ggg, 77nnn, 77sss, 78ll(d), 80b–3, 80b–4, and 80b–11.

■ 7. Section 260.4d–12 is added to read as follows:

§ 260.4d–12 Exemption for security-based swaps offered and sold in reliance on Securities Act of 1933 Rule 240 (§ 230.240).

Any security-based swap offered and sold in reliance on Rule 240 of this chapter (17 CFR 230.240), whether or not issued under an indenture, is exempt from the Act. This rule will expire on the compliance date for final rules that the Commission may adopt further defining both the terms *security-based swap* and *eligible contract participant.* In such event, the Commission will publish a rule removing this section from 17 CFR part 260 or modifying it as appropriate.

By the Commission.

Dated: July 1, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–17039 Filed 7–8–11; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

[Docket No. FDA–2011–N–0003]

New Animal Drugs; Change of Sponsor's Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's name from Alpharma, LLC, to Alpharma, LLC, a wholly owned subsidiary of Pfizer, Inc. The sponsor's mailing address will also be changed.

DATES: This rule is effective July 11, 2011.

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

SUPPLEMENTARY INFORMATION: Alpharma, LLC, 400 Crossing Blvd., Bridgewater, NJ 08807 has informed FDA of a change of name and mailing address to Alpharma, LLC, a wholly owned subsidiary of Pfizer, Inc., 235 East 42d St., New York, NY 10017. Accordingly, the Agency is amending the regulations in 21 CFR 510.600(c) to reflect these changes.

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

List of Subjects in 21 CFR Part 510

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

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

PART 510—NEW ANIMAL DRUGS

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

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

■ 2. In § 510.600, in the table in paragraph (c)(1), revise the entry for ''Alpharma LLC''; and in the table in paragraph (c)(2), revise the entry for ''046573'' to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Alpharma, LLC, a wholly owned subsidiary of Pfizer, Inc., 235 East 42d St., New York, NY 10017	046573
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
046573	Alpharma, LLC, a wholly owned subsidiary of Pfizer, Inc., 235 East 42d St., New York, NY 10017
* * * * *	

Dated: July 1, 2011.

Elizabeth Rettie,

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

[FR Doc. 2011–17292 Filed 7–8–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 3500

[Docket No. FR–5180–F–07]

RIN 2502–AH85

Real Estate Settlement Procedures Act (RESPA): Technical Corrections and Clarifying Amendments

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule makes technical corrections and certain clarifying amendments to HUD's RESPA regulations promulgated by a final rule published on November 17, 2008. The majority of the regulations promulgated by the November 17, 2008, final rule became applicable on January 1, 2010. Now that the regulations have been in

use for a little over one year, HUD has identified certain needed technical corrections, which this rule will make, and certain other regulatory provisions in which additional clarification would be helpful.

DATES: Effective Date: August 10, 2011.

FOR FURTHER INFORMATION CONTACT: Barton Shapiro, Director, Office of RESPA and Interstate Land Sales, Room 9158, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; telephone (202) 708–0502 (this is not a toll-free number). For legal questions, contact Paul S. Ceja, Assistant General Counsel for RESPA, or Joan L. Kayagil, Deputy Assistant General Counsel for RESPA Room 9262; telephone (202) 708–3137. Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339. The address for the above listed persons is: Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION:

I. Background

On November 17, 2008 (73 FR 68204), HUD published a final rule that amended HUD's RESPA regulations to further the purposes of RESPA by requiring more timely and effective disclosures related to mortgage settlement costs for federally related mortgage loans to consumers. The regulatory changes made by the November 2008 rule were designed to achieve several objectives, including but not limited to: protecting consumers from unnecessarily high settlement costs by taking steps to improve and standardize the Good Faith Estimate (GFE) form to make it, among other things, easier to use for shopping among settlement service providers and to provide more accurate estimates of costs of settlement services; improving disclosure of yield spread premiums (YSP); clarifying HUD–1/HUD–1A Settlement statements; and ensuring that, at settlement, borrowers are aware of final costs as they relate to their particular mortgages.

HUD's November 2008 final rule followed publication of a March 14, 2008, proposed rule and made several changes in response to public comment. The November 17, 2008, final rule took effect on January 16, 2009, and certain provisions of the RESPA regulations became applicable on the effective date of the final rule. However, for the majority of the revised RESPA regulations, the November 2008 final rule provided for compliance to commence with the revised RESPA regulations on January 1, 2010.

In the period since the revised RESPA regulations became applicable, HUD has identified certain technical corrections needed to the regulations and in Appendix A to the regulations, and a few provisions where clarification would further enhance understanding of a regulatory provision or an Appendix A provision. HUD has already provided guidance and clarification on certain regulatory provisions through information provided on HUD's RESPA website.[1] Through this rule, HUD is amending the RESPA regulations and Appendix A to make certain technical corrections and to clarify certain regulatory and appendix provisions.

II. Amendments Made by This Rule

This rule makes the following technical and clarifying amendments.

A. Amendments to the Regulations

Section 3500.2 (Definitions)

This rule corrects a citation to the Truth in Lending Act that is in the definition of ''Federally related mortgage loan'' in § 3500.2. Although this definition was not amended by the November 2008 rule, the enactment of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act (Pub. L. 110–203, approved July 21, 2010; see sec. 1100A(1)), changed the citation for ''creditor'' which appears in paragraph (1)(ii)(D) of the definition of ''Federally related mortgage loan'' in § 3500.2. Paragraph (1)(ii)(D) states that ''creditor'' is defined in the Consumer Credit Protection Act at 15 U.S.C. 1602(f), but the correct citation is now 15 U.S.C. 1602(g).

Section 3500.7 (Good Faith Estimate or GFE)

Section 3500.7(a)(4) and (b)(4). Section 3500.7(a) addresses when the lender must provide a GFE to an applicant borrower, and § 3500.7(b) addresses the same for a mortgage broker. Both sections state that a lender or a mortgage broker is not permitted to charge, as a condition for providing a GFE, any fee for an appraisal, inspection, or other similar settlement services. The lender or the mortgage broker may at its option charge a fee limited to the cost of a credit report. Both sections also state that the lender or mortgage broker may not charge additional fees until after the applicant has received the GFE.

The preamble discussion of this provision states that: ''After the GFE has been received, the loan originator may collect additional fees needed to proceed to final underwriting for borrowers who decide to proceed with a loan from that originator.'' (See 73 FR 68212, first column.) Although the language in the preamble makes clear that an applicant borrower must express an intent to continue with a loan after the applicant borrower receives the GFE for the loan before a lender or mortgage broker can collect additional fees from the applicant borrower beyond the cost of a credit report, this language was inadvertently omitted from the regulatory text. The question of whether an applicant borrower must express an intent to continue with a loan before the lender or mortgage broker can collect additional fees is an issue that came up after the regulations were promulgated and HUD addressed that question in its New RESPA Rules Frequently Asked Questions (FAQs) issued August 13, 2009, by replying in the affirmative that a borrower must express an intent to continue with the loan. (See question #10 at page 7 of *www.hud.gov/offices/hsg/rmra/res/resparulefaqs422010.pdf,* updated April 2, 2010, without changing this FAQ). To eliminate any ambiguity about whether the applicant borrower must express an intent to continue with the application process, this rule amends § 3500.7(a)(4) and (b)(4) to provide that the applicant borrower must indicate an intention to proceed with the loan covered by the GFE received by the applicant borrower from the lender or mortgage broker before the lender or mortgage broker may charge additional fees.

Section 3500.7(f). Section 3500.7(f) addresses when the GFE becomes binding. The amendments made to this section address both needed corrections and clarification.

1. The introductory paragraph to § 3500.7(f) uses the term ''new GFE'' in the first, second, and third sentences to refer to a ''revised GFE.'' This same term is used in paragraph (f)(5). A revised GFE is not a new GFE, and it is important to maintain this distinction. With the exception of the introductory paragraph and paragraph (f)(5), the remainder of § 3500.7(f) uses the term ''revised GFE'' not ''new GFE.'' This rule therefore substitutes ''revised'' for ''new'' in introductory paragraph (f) and paragraph (f)(5).

2. The introductory paragraph to § 3500.7(f) currently provides that a loan originator is bound ''within the tolerances provided in paragraph (e) of this section, to the settlement charges and terms listed on the GFE provided to the borrower, unless a [revised] GFE is provided prior to settlement consistent with this paragraph (f).'' However, the

[1] See *http://www.hud.gov/respa/.*

introductory paragraph inadvertently omits that the GFE does not remain binding indefinitely but expires 10 business days after the GFE is provided to the borrower if the borrower does not express an intent to continue with an application provided by the loan originator that provided the GFE, or expires after such longer period as may be specified by the loan originator pursuant to § 3500.7(c). Although the expiration period of the GFE is clearly stated in paragraph (f)(4) of § 3500.7(f), HUD finds that clarity is enhanced by also adding this language to the introductory paragraph of § 3500.7(f).

3. Paragraph (f)(1) of § 3500.7, which addresses changed circumstances affecting settlement costs, provides that the revised GFE may increase charges for services listed on the GFE but only to the extent that the changed circumstances actually resulted in higher charges. However, paragraph (f)(2), which addresses changed circumstances affecting the loan, and paragraph (f)(3), which addresses borrower-requested changes, inadvertently omits that the revised GFE may increase charges listed on the GFE only to the extent that changed circumstances affecting the loan, or the borrower's requested change, actually increased those charges. This rule therefore adds language making this limitation clear in paragraphs (f)(2) and (f)(3).

4. Paragraph (f)(4) of § 3500.7 as noted earlier, addresses the expiration of the GFE. The heading of this paragraph uses the word ''original'' to describe the GFE. The heading on this paragraph should not have any qualifier for the GFE. Whether new or revised, the period of expiration, as provided in paragraph (f)(4), is applicable.

5. Paragraph (f)(5) of § 3500.7(f) clarifies that whenever the borrower's interest rate is locked, a revised GFE must be provided to the borrower showing the revised interest rate-dependent changes and terms within 3 business days.

6. Paragraph (f)(6) addresses new home purchases. HUD is adding the word ''construction'' to the phrase ''new home purchases'' so that it reads ''new construction home purchases.'' HUD believes that the content of this paragraph is clear that new home purchases refers to purchases of newly constructed homes, not simply any home that is new to a borrower. This interpretation is supported by the preamble to the November 17, 2008, final rule in which this regulatory provision was discussed. The preamble stated in relevant part as follows: ''Finally, the final rule includes the proposed provision on revision of the GFE for transactions involving new home purchases. HUD recognizes that in cases of *new construction,* the original GFE may be provided long before settlement is anticipated to occur.'' (Emphasis added.) (See 73 FR 68221, first column.) While HUD believes the meaning of paragraph (f)(6) is clear, to remove any possibility of ambiguity the word ''construction'' is inserted between the words ''new'' and ''home purchases.''

Section 3500.8 (Use of HUD–1 or HUD–1A Settlement Statements)

Section 3500.8(c) (Violations of section 4 of RESPA). The heading of § 3500.8(c) shows the citation for section 4 of RESPA as 12 U.S.C. 2604, but it should be 12 U.S.C. 2603. This rule corrects the citation.

B. Amendments to Appendix A

This rule also makes certain technical amendments to Appendix A to the RESPA regulations, which is entitled ''Instructions for Completing HUD–1 and HUD–1A Settlement Statements; Sample HUD–1 and HUD–1A Statements.''

Appendix A—HUD–1 Instructions for Lines 601–602. The instructions for lines 601–602 (see 73 FR 68244) contain a transposed number. The instructions state to ''Enter the total in Line 420 and Line 610.'' Reference to line 610 should be line 601. The rule makes that correction.

Appendix—HUD–1 Instructions for Page 3. The instructions for the HUD–1, found at 73 FR 68243 of the November 2008 final rule, provide that the HUD–1 form is to be used as a statement of the actual charges and adjustments. If the borrower, or a person acting on behalf of the borrower, does not purchase a settlement service that was listed on the GFE (e.g., owner's title insurance), there should be no amount entered for that service in the corresponding line on Page 2 of the HUD–1, and the estimate of the charge from the GFE should not appear on the comparison chart on Page 3 of the HUD–1.

HUD has determined that the current instructions are not sufficiently clear on this point. Allowing loan originators to include on Page 3 of the HUD–1 charges from the GFE for settlement services that were not purchased could both induce loan originators to discourage consumers from purchasing settlement services (e.g., owner's title insurance) in order to gain padding in the 10 percent tolerance categories, and encourage loan originators to pad the 10 percent tolerance categories on the GFE with estimates of services that the consumer will not need in the transaction. HUD has previously addressed and clarified this issue in informal guidance. For example, in the July 2010 posting of its RESPA Roundup,[2] HUD's Office of RESPA and Interstate Land Sales noted as follows:

> Finally, we get the following question frequently: If a service that was listed on the GFE was not purchased, what should go into the borrower's column on Page 2 of the HUD–1 and on the comparison chart on Page 3 of the HUD–1? If the consumer did not purchase a service that was listed on the GFE (usually owner's title) there should be nothing entered in that line on Page 2 of the HUD–1 and the estimate of the charge should not appear on the comparison chart on Page 3 of the HUD–1.

Because inquiries about estimates on the HUD–1 has been a question frequently asked, and to address any remaining confusion, HUD revises the first paragraph of the instructions for Page 3 of the HUD–1 to clarify that the amounts to be inserted in the comparison chart are those for the services that were purchased or provided as part of the transaction, and that no amount should be included on Page 2 of the HUD–1 for any service that was listed on the GFE, but was not obtained in connection with the transaction.

III. Findings and Certifications

Justification for Final Rulemaking

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with HUD's regulations on rulemaking at 24 CFR part 10. Part 10, however, provides in § 10.1 for exceptions from that general rule where HUD finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is ''impracticable, unnecessary, or contrary to the public interest.''

HUD finds that good cause exists to publish this rule for effect without soliciting public comment, on the basis that prior public procedure is unnecessary. As discussed in this preamble, this final rule merely makes technical corrections and clarifying amendments to the RESPA final rule published on November 17, 2008. No substantive changes are made by this final rule.

Environmental Impact

Under 24 CFR 50.19(c)(2) of HUD's regulations, this rule is categorically

[2] See *http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_19681.pdf.*

excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Federalism Impact

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: (i) Imposes substantial direct compliance costs on state and local governments and is not required by statute, or (ii) preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Regulatory Flexibility Act

HUD is not required to publish a notice of proposed rulemaking for this technical corrections/clarifying amendments final rule. Accordingly, the Regulatory Flexibility Act is not applicable to this final rule.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and on the private sector. This rule does not, within the meaning of the UMRA, impose any Federal mandates on any State, local, or tribal governments nor on the private sector.

List of Subjects in 24 CFR Part 3500

Consumer protection, Condominiums, Housing, Mortgagees, Mortgage servicing, Reporting, and Recordkeeping requirements.

For the reasons set out in the preamble, this final rule amends part 3500 of title 24 of the Code of Federal Regulations as follows:

PART 3500—REAL ESTATE SETTLEMENT PROCEDURES ACT

■ 1. The authority citation shall continue to read as follows:

Authority: 12 U.S.C. 2601 *et seq.;* 42 U.S.C. 3535(d).

■ 2. In § 3500.2, paragraph (b)(1)(ii)(D) of the definition of ''Federally related mortgage loan'' is revised to read as follows:

§ 3500.2 Definitions.

* * * * *

(b) * * *

Federally related mortgage loan or mortgage loan means as follows:

* * * * *

(D) Is made in whole or in part by a ''creditor'', as defined in section 103(g) of the Consumer Credit Protection Act (15 U.S.C. 1602(g)), that makes or invests in residential real estate loans aggregating more than $1,000,000 per year. For purposes of this definition, the term ''creditor'' does not include any agency or instrumentality of any State, and the term ''residential real estate loan'' means any loan secured by residential real property, including single-family and multifamily residential property;

* * * * *

■ 3. In § 3500.7, paragraphs (a)(4), (b)(4) and (f) are revised to read as follows:

§ 3500.7 Good faith estimate or GFE.

(a) * * *

(4) The lender is not permitted to charge, as a condition for providing a GFE, any fee for an appraisal, inspection, or other similar settlement service. The lender may, at its option, charge a fee limited to the cost of a credit report. The lender may not charge additional fees until after the applicant has received the GFE and indicated an intention to proceed with the loan covered by that GFE. If the GFE is mailed to the applicant, the applicant is considered to have received the GFE 3 calendar days after it is mailed, not including Sundays and the legal public holidays specified in 5 U.S.C. 6103(a).

* * * * *

(b) * * *

(4) The mortgage broker is not permitted to charge, as a condition for providing a GFE, any fee for an appraisal, inspection, or other similar settlement service. The mortgage broker may, at its option, charge a fee limited to the cost of a credit report. The mortgage broker may not charge additional fees until after the applicant has received the GFE and indicated an intention to proceed with the loan covered by that GFE. If the GFE is mailed to the applicant, the applicant is considered to have received the GFE 3 calendar days after it is mailed, not including Sundays and the legal public holidays specified in 5 U.S.C. 6103(a).

* * * * *

(f) *Binding GFE.* The loan originator is bound, within the tolerances provided in paragraph (e) of this section, to the settlement charges and terms listed on the GFE provided to the borrower, unless a revised GFE is provided prior to settlement consistent with this paragraph (f) or the GFE expires in accordance with paragraph (f)(4) of this section. If a loan originator provides a revised GFE consistent with this paragraph, the loan originator must document the reason that a revised GFE was provided. Loan originators must retain documentation of any reason for providing a revised GFE for no less than 3 years after settlement.

(1) *Changed circumstances affecting settlement costs.* If changed circumstances result in increased costs for any settlement services such that the charges at settlement would exceed the tolerances for those charges, the loan originator may provide a revised GFE to the borrower. If a revised GFE is to be provided, the loan originator must do so within 3 business days of receiving information sufficient to establish changed circumstances. The revised GFE may increase charges for services listed on the GFE only to the extent that the changed circumstances actually resulted in higher charges.

(2) *Changed circumstances affecting loan.* If changed circumstances result in a change in the borrower's eligibility for the specific loan terms identified in the GFE, the loan originator may provide a revised GFE to the borrower. If a revised GFE is to be provided, the loan originator must do so within 3 business days of receiving information sufficient to establish changed circumstances. The revised GFE may increase charges for services listed on the GFE only to the extent that the changed circumstances affecting the loan actually resulted in higher charges.

(3) *Borrower-requested changes.* If a borrower requests changes to the mortgage loan identified in the GFE that change the settlement charges or the terms of the loan, the loan originator may provide a revised GFE to the borrower. If a revised GFE is to be provided, the loan originator must do so within 3 business days of the borrower's request. The revised GFE may increase charges for services listed on the GFE only to the extent that the borrower-requested changes to the mortgage loan identified on the GFE actually resulted in higher charges.

(4) *Expiration of GFE.* If a borrower does not express an intent to continue with an application within 10 business days after the GFE is provided, or such longer time specified by the loan originator pursuant to paragraph (c) of this section, the loan originator is no longer bound by the GFE.

(5) *Interest rate dependent charges and terms.* If the interest rate has not been locked, or a locked interest rate has expired, the charge or credit for the interest rate chosen, the adjusted origination charges, per diem interest, and loan terms related to the interest

rate may change. When the interest rate is later locked, a revised GFE must be provided showing the revised interest rate-dependent charges and terms. The loan originator must provide the revised GFE within 3 business days of the interest rate being locked or, for an expired interest rate, re-locked. All other charges and terms must remain the same as on the original GFE, except as otherwise provided in paragraph (f) of this section.

(6) *New construction home purchases.* In transactions involving new construction home purchases, where settlement is anticipated to occur more than 60 calendar days from the time a GFE is provided, the loan originator may provide the GFE to the borrower with a clear and conspicuous disclosure stating that at any time up until 60 calendar days prior to closing, the loan originator may issue a revised GFE. If no such separate disclosure is provided, the loan originator cannot issue a revised GFE, except as otherwise provided in paragraph (f) of this section.

* * * * *

■ 4. In § 3500.8, the paragraph heading of paragraph (c) is corrected to read as follows:

§ 3500.8 Use of HUD–1 or HUD–1A settlement statements.

* * * * *

(c) *Violations of section 4 of RESPA (12 U.S.C. 2603).* * * *

* * * * *

■ 5. Appendix A to Part 3500 is amended as follows:

■ a. Revise the Instructions for Lines 601 and 602.

■ b. Revise the first paragraph of the Instructions for Page 3.

The revisions read as follows:

Appendix A to Part 3500—Instructions for Completing HUD–1 and HUD–1a Settlement Statements; Sample HUD–1 and HUD–1a Statements

* * * * *

Lines 601 and 602 are summary lines for the Seller. Enter the total in Line 420 on Line 601. Enter the total in Line 520 on Line 602.

* * * * *

Page 3

Comparison of Good Faith Estimate (GFE) and HUD–1/1A Charges

The HUD–1/1–A is a statement of actual charges and adjustments. The comparison chart on page 3 of the HUD–1 must be prepared using the exact information and amounts for the services that were purchased or provided as part of the transaction, as that information and those amounts are shown on the GFE and in the HUD–1. If a service that was listed on the GFE was not obtained in connection with the transaction, pages 1 and 2 of the HUD–1 should not include any amount for that service, and the estimate on the GFE of the charge for the service should not be included in any amounts shown on the comparison chart on Page 3 of the HUD–1. The comparison chart is comprised of three sections: ''Charges That Cannot Increase'', ''Charges That Cannot Increase More Than 10%'', and ''Charges That Can Change''.

* * * * *

Dated: July 1, 2011.

Robert C. Ryan,

Acting Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 2011–17230 Filed 7–8–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2011–0626]

RIN 1625–AA09

Drawbridge Operation Regulation; Old River Channel of the Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Ninth Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Willow Street Bridge at mile 1.02 across the Old River Channel of the Cuyahoga River in Cleveland, OH. The deviation is necessary to facilitate replacement of machinery that operates the bridge. This deviation allows the bridge to remain secured to masted navigation during the maintenance period.

DATES: This temporary deviation is effective from January 31, 2012 through February 21, 2012.

ADDRESSES: Documents mentioned in this preamble as being available in the docket, are part of docket USCG–2011–0626 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0626 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or e-mail Mr. Lee D. Soule, Bridge Management Specialist, U.S. Coast Guard; telephone 216–902–6085, e-mail *lee.d.soule@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Willow Street Bridge, at mile 1.02 across the Old River Channel of the Cuyahoga River, at Cleveland, Ohio, has a vertical clearance in the closed position of 12 feet and a horizontal clearance of 150 feet. There are no specific requirements for this bridge in Subpart B of 33 CFR 117 and is therefore required to open on signal at all times.

The bridge owner requested a temporary deviation from the regulations to facilitate the replacement of the bridge operating machinery. The work requires the bridge to be kept in the closed position.

The Old River Channel of the Cuyahoga River serves a tug company, salt mine, road improvement, and construction facilities that import or export materials and services. One yacht club and two marinas are also located on this waterway. The Coast Guard coordinated with the bridge owner and the facilities on and adjacent to the waterway to establish the dates of this temporary deviation to be the least disruptive to their operations.

Under this temporary deviation, the Willow Street Bridge will remain secured to masted navigation and will not be required to open for any vessel from January 31, 2012 through February 21, 2012. Vessels able to pass under the bridge without an opening may do so at anytime.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 28, 2011.

Scot M. Striffler,

Bridge Program Manager, Ninth Coast Guard District.

[FR Doc. 2011–17257 Filed 7–8–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2011–0581]

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Near Hackberry, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the SR 27 (Ellender Ferry) vertical lift bridge across the Gulf Intracoastal Waterway, mile 243.8 west of Harvey Lock, near Hackberry, Calcasieu Parish, Louisiana. This deviation is necessary to perform electrical component upgrades and repair work on the bridge. This deviation allows the bridge to remain closed to navigation for nine consecutive hours daily Monday through Friday for four weeks.

DATES: This deviation is effective from 8 a.m. on Monday, August 8, 2011 through 5 p.m. on Friday, September 2, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2011–0581 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0581 in the ''Keyword'' box and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Donna Gagliano, Bridge Administration Branch, Coast Guard; telephone 504–671–2128 or e-mail *Donna.Gagliano@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation and Development has requested a temporary deviation in order to perform electrical component upgrades and repair work from the operating schedule for the vertical lift bridge on the SR 27 (Ellender Ferry) across the Gulf Intracoastal Waterway, mile 243.8, west of Harvey Locks, near Hackberry, Calcasieu Parish, Louisiana. The bridge provides 50 feet of vertical clearance above Mean High Water, NGVD 29, in the closed-to-navigation position. Currently, according to 33 CFR 117.451(e), the draw of the bridge shall open on signal when more than 50 feet vertical clearance is required, if at least four-hour notice is given to the Louisiana Department of Highways, District Maintenance Engineer, at Lake Charles.

The closure is necessary to perform electrical component upgrades and repair work on the bridge that allows the bridge to be raised. This maintenance is essential for the continued operation of the bridge. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. The Coast Guard has coordinated the closure with waterway users, industry, and other Coast Guard units. Vessels that can pass under the bridge in the closed-to-navigation position can do so anytime. There are no alternate routes. The bridge will not be able to open for emergencies.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 20, 2011.

David M. Frank,

Bridge Administrator.

[FR Doc. 2011–17259 Filed 7–8–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0505]

RIN 1625–AA87

Security Zone; 2011 Seattle Seafair Fleet Week Moving Vessels, Puget Sound, Washington

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The U.S. Coast Guard is establishing temporary security zones around the HMCS WHITEHORSE (NCSM 705), HMCS NANAIMO (NCSM 702), and the USCGC MELLON (WHEC 717) which include all waters within 500 yards from these vessels while each vessel is participating in the Seafair Fleet Week Parade of Ships and while moored following the parade until departing on August 8, 2011. These security zones are necessary to help ensure the security of the vessels from sabotage or other subversive acts during Seafair Fleet Week Parade of Ships and will do so by prohibiting any person or vessel from entering or remaining in the security zones unless authorized by the Captain of the Port (COTP), Puget Sound or Designated Representative.

DATES: This rule is effective from 8 a.m. on August 3, 2011, through 5 p.m. on August 8, 2011.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–0505 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0505 in the ''Keyword'' box, and then clicking ''Search.'' They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail Ensign Anthony P. LaBoy, Sector Puget Sound, Waterways Management Division, US Coast Guard; telephone 206–217–6323, e-mail *SectorPugetSoundWWM@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable due to the time required to finalize the list of event participants.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the public interest because immediate action is necessary to protect the vessels that will be transiting in the parade.

Basis and Purpose

Seattle's Seafair Fleet Week is an annual event which brings a variety of vessels to Seattle. During the event, the visiting military vessels are at risk because of their inherent military function, and because they will be transiting in the Parade of Ships in close proximity to spectators, highly populated areas, and other vessels. This rule is necessary to ensure the security of visiting foreign and domestic military vessels not covered under the Naval Vessel Protection Zone (NVPZ). See 33 CFR part 165, subpart G. The size of these security zones is necessary to ensure the security of the visiting vessels is equivalent to the vessels protected by the NVPZ. While participating in the Parade of Ships it is important for the on scene patrol to have a consistent zone size for all participating ships. The security zones will help prevent any acts which would harm the vessels and their crew and endanger vessels, property, and persons along the parade route.

Discussion of Rule

The temporary security zones established by this rule will prohibit any person or vessel from entering or remaining within 500 yards of the HMCS WHITEHORSE (NCSM 705), HMCS NANAIMO (NCSM 702), and the USCGC MELLON (WHEC 717) while these vessels are participating in the Parade of Ships and while moored at Pier 66, Terminal 25, and Terminal 46. The COTP has granted general permission for vessels to enter the outer 400 yards of the security zone, so long as any vessels doing so operate at the minimum speed necessary to maintain course. In the event the COTP must revoke the general permission to enter, notice will be provided to the public via a Broadcast Notice to Mariners. The security zones will be enforced by Coast Guard personnel. The COTP may also be assisted in the enforcement of the zones by other federal, state, or local agencies.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The Coast Guard bases this finding on the fact that the security zones will be in place for a limited period of time and vessel traffic will be able to transit around the security zones. Maritime traffic may also request permission to transit through the zones from the COTP, Puget Sound or a Designated Representative.

Small Entities

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

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

This rule will affect the following entities, some of which may be small entities; the owners and operators of vessels intending to operate in the waters covered by the security zones while they are in effect. The rule will not have a significant economic impact on a substantial number of small entities because the security zones will be in place for a limited period of time and maritime traffic will still be able to transit around the security zones. Maritime traffic may also request permission to transit though the zones from the COTP, Puget Sound or Designated Representative.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and

does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of security zones. An environmental analysis checklist and a categorical exclusion is available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. Add § 165.T13–186 to read as follows:

§ 165.T13–186 Security Zone; 2011 Seattle Seafair Fleet Week Moving Vessels, Puget Sound, Washington

(a) *Location.* The following areas are security zones: All waters within the Captain of the Port Puget Sound Zone encompassed within 500 yards of the HMCS WHITEHORSE (NCSM 705), HMCS NANAIMO (NCSM 702), and the USCGC MELLON (WHEC 717) while each vessel is participating in the Seafair Fleet Week Parade of Ships and while moored at Pier 66, Terminal 25, and Terminal 46, Elliott Bay, Seattle, WA.

(b) *Regulations.* In accordance with the general regulations in 33 CFR Part 165, Subpart D, no person or vessel may enter or remain in the security zones without the permission of the COTP or Designated Representative. The COTP has granted general permission for vessels that operate at the minimum speed necessary to maintain course to enter the outer 400 yards of the security zone. In the event the COTP must revoke the general permission to enter, notice will be provided to the public via a Broadcast Notice to Mariners. See 33 CFR Part 165, Subpart D, for additional requirements. The COTP may be assisted by other federal, state or local agencies with the enforcement of the security zones.

(c) *Authorization.* All vessel operators who desire to transit through the outer 400 yards of the security zones at greater than minimum speed necessary to maintain course, enter the inner 100 yards of the security zones, or enter any portion of the security zones when general permission to transit through outer 400 yards of the security zones at minimum speed necessary to maintain course has been revoked must obtain permission from the COTP or Designated Representative by contacting the on-scene Coast Guard patrol craft on VHF 13 or Ch 16. Requests must include the reason why movement within the security zones is necessary. Vessel operators granted permission to enter the security zones will be escorted by the on-scene Coast Guard patrol craft until they are outside of the security zones, except that vessels operating in the security zones under general permission to transit through the outer 400 yards of the security zones at minimum speed necessary to maintain course will not be escorted.

(d) *Enforcement period.* This rule is effective from 8 a.m. on August 3, 2011, through 5 p.m. on August 8, 2011.

Dated: June 27, 2011.

S.J. Ferguson,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2011–17261 Filed 7–8–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2011–0309; FRL–9429–1]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the State Implementation Plan (SIP) submittal from the State of Missouri addressing the requirements of Clean Air Act (CAA or Act) sections 110(a)(1) and (2) to implement, maintain, and enforce the 1997 revisions to the National Ambient Air Quality Standards (NAAQS) for ozone. The rationale for this action is explained in this rule and in more detail in the notice of proposed rulemaking for this action. EPA received no comments on the proposal.

DATES: *Effective Date:* This rule is effective August 10, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2011–0309. All documents in the docket are listed on the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the U.S. Environmental Protection Agency, Region 7, in the Air Planning and Development Branch, of the Air and Waste Management Division, 901 North 5th Street, Kansas City, Kansas 66101. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance. Regional Office official hours of business are Monday through Friday, 8:00 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Kramer, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 901 North 5th Street, Kansas City, Kansas 66101; *telephone number:* (913) 551–7186; *fax number:* (913) 551–7844; *e-mail address: kramer.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. These sections provide additional information on this final action:

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I. Background

On March 30, 2011 (76 FR 17585), EPA published a proposed rulemaking for the State of Missouri. This rulemaking proposed approval of Missouri's submittal dated February 27, 2007, as meeting the relevant and applicable requirements of CAA sections 110(a)(1) and (2) necessary to implement, maintain, and enforce the 1997 NAAQS.

II. Summary of Relevant Submissions

The above referenced submittal addresses the infrastructure elements specified in CAA sections 110(a)(1) and (2). This submittal refers to the implementation, maintenance and enforcement of the 1997 8-hour ozone NAAQS. The rationale supporting EPA's proposed action is explained in the proposal and EPA incorporates by reference the rationale in the proposal as supplemented by this rule, as its rationale for the final rule. No public comments were received on the proposed rulemaking.

III. Scope of Infrastructure SIPs

EPA is currently acting upon SIPs that address the infrastructure requirements of CAA section 110(a)(1) and (2) for ozone and PM2.5 NAAQS for various states across the country. Commenters on EPA's recent proposals for some states raised concerns about EPA statements that it was not addressing certain substantive issues in the context of acting on the infrastructure SIP submissions.[1] The commenters specifically raised concerns involving provisions in existing SIPs and with EPA's statements that it would address two issues separately and not as part of actions on the infrastructure SIP submissions: (i) existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction at sources, that may be contrary to the CAA and EPA's policies addressing such excess emissions (''SSM''); and (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that purport to permit revisions to SIP approved emissions limits with limited public process or without requiring further approval by EPA, that may be contrary to the CAA (''director's discretion''). EPA notes that there are two other substantive issues for which EPA likewise stated that it would address the issues separately: (i) existing provisions for minor source new source review programs that may be inconsistent with the requirements of the CAA and EPA's regulations that pertain to such programs (''minor source NSR''); and (ii) existing provisions for Prevention of Significant Deterioration (PSD) programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (''NSR Reform''). In light of the comments, EPA now believes that its statements in various proposed actions on infrastructure SIPs with respect to these four individual issues should be explained in greater depth with respect to these issues.

EPA intended the statements in the proposals concerning these four issues merely to be informational, and to provide general notice of the potential existence of provisions within the existing SIPs of some states that might require future corrective action. EPA did not want states, regulated entities, or members of the public to be under the misconception that the Agency's approval of the infrastructure SIP submission of a given state should be interpreted as a re-approval of certain types of provisions that might exist buried in the larger existing SIP for such state. Thus, for example, EPA explicitly noted that the Agency believes that some states may have existing SIP approved SSM provisions that are contrary to the CAA and EPA policy, but that ''in this rulemaking, EPA is not proposing to approve or disapprove any existing State provisions with regard to excess emissions during SSM of operations at facilities.'' EPA further explained, for informational purposes, that ''EPA plans to address such State regulations in the future.'' EPA made similar statements, for similar reasons, with respect to the director's discretion, minor source NSR, and NSR Reform issues. EPA's objective was to make clear that approval of an infrastructure SIP for these ozone and PM2.5 NAAQS should not be construed as explicit or implicit re-approval of any existing provisions that relate to these four substantive issues.

Unfortunately, the commenters and others evidently interpreted these statements to mean that EPA considered action upon the SSM provisions and the other three substantive issues to be integral parts of acting on an infrastructure SIP submission, and therefore that EPA was merely postponing taking final action on the issue in the context of the infrastructure SIPs. This was not EPA's intention. To the contrary, EPA only meant to convey its awareness of the potential for certain types of deficiencies in existing SIPs, and to prevent any misunderstanding that it was reapproving any such existing provisions. EPA's intention was to convey its position that the statute does not require that infrastructure SIPs address these specific substantive issues in existing SIPs and that these issues

[1] See, Comments of Midwest Environmental Defense Center, dated May 31, 2011. Docket #EPA–R05–OAR–2007–1179 (adverse comments on proposals for three states in Region 5). EPA notes that these public comments on another proposal are not relevant to this rulemaking and do not have to be directly addressed in this rulemaking. EPA will respond to these comments in the appropriate rulemaking action to which they apply.

may be dealt with separately, outside the context of acting on the infrastructure SIP submission of a state. To be clear, EPA did not mean to imply that it was not taking a full final agency action on the infrastructure SIP submission with respect to any substantive issue that EPA considers to be a required part of acting on such submissions under section 110(k) or under section 110(c). Given the confusion evidently resulting from EPA's statements, however, we want to explain more fully the Agency's reasons for concluding that these four potential substantive issues in existing SIPs may be addressed separately.

The requirement for the SIP submissions at issue arises out of CAA section 110(a)(1). That provision requires that states must make a SIP submission ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof)'' and that these SIPS are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must meet. EPA has historically referred to these particular submissions that states must make after the promulgation of a new or revised NAAQS as ''infrastructure SIPs.'' This specific term does not appear in the statute, but EPA uses the term to distinguish this particular type of SIP submission designed to address basic structural requirements of a SIP from other types of SIP submissions designed to address other different requirements, such as ''nonattainment SIP'' submissions required to address the nonattainment planning requirements of part D, ''regional haze SIP'' submissions required to address the visibility protection requirements of CAA section 169A, new source review permitting program submissions required to address the requirements of part D, and a host of other specific types of SIP submissions that address other specific matters.

Although section 110(a)(1) addresses the timing and general requirements for these infrastructure SIPs, and section 110(a)(2) provides more details concerning the required contents of these infrastructure SIPs, EPA believes that many of the specific statutory provisions are facially ambiguous. In particular, the list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive provisions, and some of which pertain to requirements for both authority and substantive provisions.[2] Some of the elements of section 110(a)(2) are relatively straightforward, but others clearly require interpretation by EPA through rulemaking, or recommendations through guidance, in order to give specific meaning for a particular NAAQS.[3]

Notwithstanding that section 110(a)(2) states that ''each'' SIP submission must meet the list of requirements therein, EPA has long noted that this literal reading of the statute is internally inconsistent, insofar as section 110(a)(2)(I) pertains to nonattainment SIP requirements that could not be met on the schedule provided for these SIP submissions in section 110(a)(1).[4] This illustrates that EPA must determine which provisions of section 110(a)(2) may be applicable for a given infrastructure SIP submission. Similarly, EPA has previously decided that it could take action on different parts of the larger, general ''infrastructure SIP'' for a given NAAQS without concurrent action on all subsections, such as section 110(a)(2)(D)(i), because the Agency bifurcated the action on these latter ''interstate transport'' provisions within section 110(a)(2) and worked with states to address each of the four prongs of section 110(a)(2)(D)(i) with substantive administrative actions proceeding on different tracks with different schedules.[5] This illustrates that EPA may conclude that subdividing the applicable requirements of section 110(a)(2) into separate SIP actions may sometimes be appropriate for a given NAAQS where a specific substantive action is necessitated, beyond a mere submission addressing basic structural aspects of the State's implementation plan. Finally, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS and the attendant infrastructure SIP submission for that NAAQS. For example, the monitoring requirements that might be necessary for purposes of section 110(a)(2)(B) for one NAAQS could be very different than what might be necessary for a different pollutant. Thus, the content of an infrastructure SIP submission to meet this element from a state might be very different for an entirely new NAAQS, versus a minor revision to an existing NAAQS.[6]

Similarly, EPA notes that other types of SIP submissions required under the statute also must meet the requirements of section 110(a)(2), and this also demonstrates the need to identify the applicable elements for other SIP submissions. For example, nonattainment SIPs required by part D likewise have to meet the relevant subsections of section 110(a)(2) such as section 110(a)(2)(A) or (E). By contrast, it is clear that nonattainment SIPs would not need to meet the portion of section 110(a)(2)(C) that pertains to part C, *i.e.,* the PSD requirement applicable in attainment areas. Nonattainment SIPs required by part D also would not need to address the requirements of section 110(a)(2)(G) with respect to emergency episodes, as such requirements would not be limited to nonattainment areas. As this example illustrates, each type of SIP submission may implicate some subsections of section 110(a)(2) and not others.

Given the potential for ambiguity of the statutory language of section 110(a)(1) and (2), EPA believes that it is appropriate for EPA to interpret that language in the context of acting on the infrastructure SIPs for a given NAAQS. Because of the inherent ambiguity of the list of requirements in section 110(a)(2), EPA has adopted an approach in which it reviews infrastructure SIPs against this list of elements ''as applicable.'' In other words, EPA assumes that Congress

[2] For example, section 110(a)(2)(E) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a substantive program to address certain sources as required by part C of the CAA; section 110(a)(2)(G) provides that states must have both legal authority to address emergencies and substantive contingency plans in the event of such an emergency.

[3] For example, section 110(a)(2)(D)(i) requires EPA to be sure that each state's SIP contains adequate provisions to prevent significant contribution to nonattainment of the NAAQS in other states. This provision contains numerous terms that require substantial rulemaking by EPA in order to determine such basic points as what constitutes significant contribution. See, e.g., ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call; Final Rule,'' 70 FR 25162 (May 12, 2005)(defining, among other things, the phrase ''contribute significantly to nonattainment'').

[4] See, e.g., Id., 70 FR 25162, at 63–65 (May 12, 2005)(explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[5] EPA issued separate guidance to states with respect to SIP submissions to meet section 110(a)(2)(D)(i) for the 1997 ozone and 1997 PM2.5 NAAQS. See, ''Guidance for State Implementation Plan (SIP) Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8-Hour Ozone and PM2.5 National Ambient Air Quality Standards,'' from William T. Harnett, Director Air Quality Policy Division OAQPS, to Regional Air Division Director, Regions I–X, dated August 15, 2006.

[6] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

could not have intended that each and every SIP submission, regardless of the purpose of the submission or the NAAQS in question, would meet each of the requirements, or meet each of them in the same way. EPA elected to use guidance to make recommendations for infrastructure SIPs for these NAAQS.

On October 2, 2007, EPA issued guidance making recommendations for the infrastructure SIP submissions for both the 1997 8-hour ozone NAAQS and the 1997 PM2.5 NAAQS.[7] Within this guidance document, EPA described the duty of states to make these submissions to meet what the Agency characterized as the ''infrastructure'' elements for SIPs, which it further described as the ''basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the standards.'' [8] As further identification of these basic structural SIP requirements, ''attachment A'' to the guidance document included a short description of the various elements of section 110(a)(2) and additional information about the types of issues that EPA considered germane in the context of such infrastructure SIPs. EPA emphasized that the description of the basic requirements listed on attachment A was not intended ''to constitute an interpretation of'' the requirements, and was merely a ''brief description of the required elements.'' [9] EPA also stated its belief that with one exception, these requirements were ''relatively self explanatory, and past experience with SIPs for other NAAQS should enable States to meet these requirements with assistance from EPA Regions.'' [10] For the one exception to that general assumption, however, *i.e.,* how states should proceed with respect to the requirements of section 110(a)(2)(G) for the 1997 PM2.5 NAAQS, EPA gave much more specific recommendations. But for other infrastructure SIP submittals, and for certain elements of the submittals for the 1997 PM2.5 NAAQS, EPA assumed that each State would work with its corresponding EPA regional office to refine the scope of a State's submittal based on an assessment of how the requirements of section 110(a)(2) should reasonably apply to the basic structure of the State's implementation plan for the NAAQS in question.

Significantly, the 2007 Guidance did not explicitly refer to the SSM, director's discretion, minor source NSR, or NSR Reform issues as among specific substantive issues EPA expected states to address in the context of the infrastructure SIPs, nor did EPA give any more specific recommendations with respect to how states might address such issues even if they elected to do so. The SSM and director's discretion issues implicate section 110(a)(2)(A), and the minor source NSR and NSR Reform issues implicate section 110(a)(2)(C). In the 2007 Guidance, however, EPA did not indicate to states that it intended to interpret these provisions as requiring a substantive submission to address these specific issues in the context of the infrastructure SIPs for these NAAQS. Instead, EPA's 2007 Guidance merely indicated its belief that the states should make submissions in which they established that they have the basic SIP structure necessary to implement, maintain, and enforce the NAAQS. EPA believes that states can establish that they have the basic SIP structure, notwithstanding that there may be potential deficiencies within the existing SIP. Thus, EPA's proposals mentioned these issues not because the Agency considers them issues that must be addressed in the context of an infrastructure SIP as required by section 110(a)(1) and (2), but rather because EPA wanted to be clear that it considers these potential existing SIP problems as separate from the pending infrastructure SIP actions.

EPA believes that this approach to the infrastructure SIP requirement is reasonable, because it would not be feasible to read section 110(a)(1) and (2) to require a top to bottom, stem to stern, review of each and every provision of an existing SIP merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts that, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA considers the overall effectiveness of the SIP. To the contrary, EPA believes that a better approach is for EPA to determine which specific SIP elements from section 110(a)(2) are applicable to an infrastructure SIP for a given NAAQS, and to focus attention on those elements that are most likely to need a specific SIP revision in light of the new or revised NAAQS. Thus, for example, EPA's 2007 Guidance specifically directed states to focus on the requirements of section 110(a)(2)(G) for the 1997 PM2.5 NAAQS because of the absence of underlying EPA regulations for emergency episodes for this NAAQS and an anticipated absence of relevant provisions in existing SIPs.

Finally, EPA believes that its approach is a reasonable reading of section 110(a)(1) and (2) because the statute provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow the Agency to take appropriate tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a State's implementation plan is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or otherwise to comply with the CAA.[11] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[12] Significantly, EPA's determination that an action on the infrastructure SIP is not the appropriate time and place to address all potential existing SIP problems does not preclude the

[7] See, ''Guidance on SIP Elements Required Under Section 110(a)(1) and (2) for the 1997 8-hour Ozone and PM2.5 National Ambient Air Quality Standards,'' from William T. Harnett, Director Air Quality Policy Division, to Air Division Directors, Regions I–X, dated October 2, 2007 (the ''2007 Guidance''). EPA issued comparable guidance for the 2006 PM2.5 NAAQS entitled ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24–Hour Fine Particle (PM2.5) National Ambient Air Quality Standards (NAAQS),'' from William T, Harnett, Director Air Quality Policy Division, to Regional Air Division Directors, Regions I–X, dated September 25, 2009 (the ''2009 Guidance'').

[8] Id., at page 2.

[9] Id., at attachment A, page 1.

[10] Id., at page 4. In retrospect, the concerns raised by commenters with respect to EPA's approach to some substantive issues indicates that the statute is not so ''self explanatory,'' and indeed is sufficiently ambiguous that EPA needs to interpret it in order to explain why these substantive issues do not need to be addressed in the context of infrastructure SIPs and may be addressed at other times and by other means.

[11] EPA has recently issued a SIP call to rectify a specific SIP deficiency related to the SSM issue. See, ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revision,'' 74 FR 21639 (April 18, 2011).

[12] EPA has recently utilized this authority to correct errors in past actions on SIP submissions related to PSD programs. See, ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (Dec. 30, 2010). EPA has previously used its authority under CAA 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

Agency's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on the infrastructure SIP, EPA believes that section 110(a)(2)(A) may be among the statutory bases that the Agency cites in the course of addressing the issue in a subsequent action.[13]

IV. Final Action

EPA is taking final action to approve Missouri's submittal that provides the basic program elements to meet the applicable requirements in CAA sections 110(a)(2)(A),(B),(C), (D)(ii),(E),(F),(G),(H),(J),(K),(L), and (M) necessary to implement, maintain, and enforce the 1997 8-hour ozone NAAQS.

As explained in the proposed rulemaking, this action does not address the requirements of section 110(a)(2)(D)(i) for the 1997 8-hour ozone NAAQS, because it has already been addressed in a separate rulemaking. *See* 72 FR 25975. The scope of this action is further discussed in section III, above.

V. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 9, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone.

Dated: June 28, 2011.

Karl Brooks,

Regional Administrator, Region 7.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart AA—Missouri

■ 2. In § 52.1320 (e) the table is amended by adding an entry in numerical order to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(e) * * *

[13] EPA has recently disapproved a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010)(proposed disapproval of director's discretion provisions); 76 FR 4540 (January 26, 2011)(final disapproval of such provisions).

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* *	*	*	*	* *
(54) Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide	02/27/2007	07/11/2011, [Insert citation of publication].	This action addresses the following CAA elements, as applicable: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2011–17253 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2011–0304; FRL–9434–3]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the State Implementation Plan (SIP) submittal from the State of Kansas addressing the requirements of Clean Air Act (CAA or Act) sections 110(a)(1) and (2) to implement, maintain, and enforce the 1997 revisions to the National Ambient Air Quality Standards (NAAQS) for ozone. The rationale for this action is explained in this notice and in more detail in the notice of proposed rulemaking for this action. EPA received no comments on the proposal.

DATES: *Effective Date:* This rule is effective August 10, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2011–0304. All documents in the docket are listed on the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the U.S. Environmental Protection Agency, Region 7, in the Air Planning and Development Branch of the Air and Waste Management Division, 901 North 5th Street, Kansas City, Kansas 66101. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance. The Regional Office official hours of business are Monday through Friday, 8 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth Kramer, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 901 North 5th Street, Kansas City, Kansas 66101; *telephone number:* (913) 551–7186; *fax number:* (913) 551–7844; *e-mail address: kramer.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. These sections provide additional information on this final action:

Table of Contents

I. Background

On March 30, 2011 (76 FR 17599), EPA published a proposed rulemaking for the State of Kansas. This rulemaking proposed approval of Kansas' submittals dated January 8, 2008 and July 20, 2009 as meeting the relevant and applicable requirements of CAA sections 110(a)(1) and (2) necessary to implement, maintain, and enforce the 1997 8-hour ozone NAAQS.

II. Summary of Relevant Submissions

The above referenced submittals address the infrastructure elements specified in CAA sections 110(a)(1) and (2). These submittals refer to the implementation, maintenance and enforcement of the 1997 8-hour ozone NAAQS. The rationale supporting EPA's proposed action is explained in the proposal and EPA incorporates by reference the rationale in the proposal, as supplemented by this notice, as its rationale for the final rule. No public comments were received on the proposed rulemaking.

III. Scope of Infrastructure SIPs

EPA is currently acting upon SIPs that address the infrastructure requirements of CAA section 110(a)(1) and (2) for ozone and $PM_{2.5}$ NAAQS for various states across the country. Commenters on EPA's recent proposals for some states raised concerns about EPA statements that it was not addressing certain substantive issues in the context of acting on the infrastructure SIP submissions.[1] The commenters specifically raised concerns involving provisions in existing SIPs and with EPA's statements that it would address two issues separately and not as part of actions on the infrastructure SIP submissions: (i) existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction at sources, that may be contrary to the CAA and EPA's policies addressing such excess emissions (''SSM''); and (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that purport to permit revisions to SIP approved emissions limits with limited public process or without requiring further approval by EPA, that may be contrary to the CAA (''director's discretion''). EPA notes that there are two other substantive issues for which EPA likewise stated that it would address the issues separately: (i) Existing provisions for minor source new source review programs that may be inconsistent with the requirements of the CAA and EPA's regulations that pertain to such programs (''minor source NSR''); and (ii) existing provisions for Prevention of Significant Deterioration (PSD)

[1] See, Comments of Midwest Environmental Defense Center, dated May 31, 2011. Docket # EPA–R05–OAR–2007–1179 (adverse comments on proposals for three states in Region 5). EPA notes that these public comments on another proposal are not relevant to this rulemaking and do not have to be directly addressed in this rulemaking. EPA will respond to these comments in the appropriate rulemaking action to which they apply.

programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (''NSR Reform''). In light of the comments, EPA now believes that its statements in various proposed actions on infrastructure SIPs with respect to these four individual issues should be explained in greater depth with respect to these issues.

EPA intended the statements in the proposals concerning these four issues merely to be informational, and to provide general notice of the potential existence of provisions within the existing SIPs of some states that might require future corrective action. EPA did not want states, regulated entities, or members of the public to be under the misconception that the Agency's approval of the infrastructure SIP submission of a given state should be interpreted as a reapproval of certain types of provisions that might exist buried in the larger existing SIP for such state. Thus, for example, EPA explicitly noted that the Agency believes that some states may have existing SIP approved SSM provisions that are contrary to the CAA and EPA policy, but that ''in this rulemaking, EPA is not proposing to approve or disapprove any existing State provisions with regard to excess emissions during SSM of operations at facilities.'' EPA further explained, for informational purposes, that ''EPA plans to address such State regulations in the future.'' EPA made similar statements, for similar reasons, with respect to the director's discretion, minor source NSR, and NSR Reform issues. EPA's objective was to make clear that approval of an infrastructure SIP for these ozone and $PM_{2.5}$ NAAQS should not be construed as explicit or implicit reapproval of any existing provisions that relate to these four substantive issues.

Unfortunately, the commenters and others evidently interpreted these statements to mean that EPA considered action upon the SSM provisions and the other three substantive issues to be integral parts of acting on an infrastructure SIP submission, and therefore that EPA was merely postponing taking final action on the issue in the context of the infrastructure SIPs. This was not EPA's intention. To the contrary, EPA only meant to convey its awareness of the potential for certain types of deficiencies in existing SIPs, and to prevent any misunderstanding that it was reapproving any such existing provisions. EPA's intention was to convey its position that the statute does not require that infrastructure SIPs address these specific substantive issues in existing SIPs and that these issues may be dealt with separately, outside the context of acting on the infrastructure SIP submission of a state. To be clear, EPA did not mean to imply that it was not taking a full final agency action on the infrastructure SIP submission with respect to any substantive issue that EPA considers to be a required part of acting on such submissions under section 110(k) or under section 110(c). Given the confusion evidently resulting from EPA's statements, however, we want to explain more fully the Agency's reasons for concluding that these four potential substantive issues in existing SIPs may be addressed separately.

The requirement for the SIP submissions at issue arises out of CAA section 110(a)(1). That provision requires that states must make a SIP submission ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof)'' and that these SIPS are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must meet. EPA has historically referred to these particular submissions that states must make after the promulgation of a new or revised NAAQS as ''infrastructure SIPs.'' This specific term does not appear in the statute, but EPA uses the term to distinguish this particular type of SIP submission designed to address basic structural requirements of a SIP from other types of SIP submissions designed to address other different requirements, such as ''nonattainment SIP'' submissions required to address the nonattainment planning requirements of part D, ''regional haze SIP'' submissions required to address the visibility protection requirements of CAA section 169A, new source review permitting program submissions required to address the requirements of part D, and a host of other specific types of SIP submissions that address other specific matters.

Although section 110(a)(1) addresses the timing and general requirements for these infrastructure SIPs, and section 110(a)(2) provides more details concerning the required contents of these infrastructure SIPs, EPA believes that many of the specific statutory provisions are facially ambiguous. In particular, the list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive provisions, and some of which pertain to requirements for both authority and substantive provisions.[2] Some of the elements of section 110(a)(2) are relatively straightforward, but others clearly require interpretation by EPA through rulemaking, or recommendations through guidance, in order to give specific meaning for a particular NAAQS.[3]

Notwithstanding that section 110(a)(2) states that ''each'' SIP submission must meet the list of requirements therein, EPA has long noted that this literal reading of the statute is internally inconsistent, insofar as section 110(a)(2)(I) pertains to nonattainment SIP requirements that could not be met on the schedule provided for these SIP submissions in section 110(a)(1).[4] This illustrates that EPA must determine which provisions of section 110(a)(2) may be applicable for a given infrastructure SIP submission. Similarly, EPA has previously decided that it could take action on different parts of the larger, general ''infrastructure SIP'' for a given NAAQS without concurrent action on all subsections, such as section 110(a)(2)(D)(i), because the Agency bifurcated the action on these latter ''interstate transport'' provisions within section 110(a)(2) and worked with states to address each of the four prongs of section 110(a)(2)(D)(i) with substantive administrative actions proceeding on different tracks with different schedules.[5] This illustrates that EPA

[2] For example, section 110(a)(2)(E) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a substantive program to address certain sources as required by part C of the CAA; section 110(a)(2)(G) provides that states must have both legal authority to address emergencies and substantive contingency plans in the event of such an emergency.

[3] For example, section 110(a)(2)(D)(i) requires EPA to be sure that each state's SIP contains adequate provisions to prevent significant contribution to nonattainment of the NAAQS in other states. This provision contains numerous terms that require substantial rulemaking by EPA in order to determine such basic points as what constitutes significant contribution. See, e.g., ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_x SIP Call; Final Rule,'' 70 FR 25162 (May 12, 2005) (defining, among other things, the phrase ''contribute significantly to nonattainment'').

[4] See, e.g., Id., 70 FR 25162, at 63–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[5] EPA issued separate guidance to states with respect to SIP submissions to meet section 110(a)(2)(D)(i) for the 1997 ozone and 1997 $PM_{2.5}$ NAAQS. See, ''Guidance for State Implementation

Continued

may conclude that subdividing the applicable requirements of section 110(a)(2) into separate SIP actions may sometimes be appropriate for a given NAAQS where a specific substantive action is necessitated, beyond a mere submission addressing basic structural aspects of the State's implementation plan. Finally, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS and the attendant infrastructure SIP submission for that NAAQS. For example, the monitoring requirements that might be necessary for purposes of section 110(a)(2)(B) for one NAAQS could be very different than what might be necessary for a different pollutant. Thus, the content of an infrastructure SIP submission to meet this element from a state might be very different for an entirely new NAAQS, versus a minor revision to an existing NAAQS.[6]

Similarly, EPA notes that other types of SIP submissions required under the statute also must meet the requirements of section 110(a)(2), and this also demonstrates the need to identify the applicable elements for other SIP submissions. For example, nonattainment SIPs required by part D likewise have to meet the relevant subsections of section 110(a)(2) such as section 110(a)(2)(A) or (E). By contrast, it is clear that nonattainment SIPs would not need to meet the portion of section 110(a)(2)(C) that pertains to part C, *i.e.,* the PSD requirement applicable in attainment areas. Nonattainment SIPs required by part D also would not need to address the requirements of section 110(a)(2)(G) with respect to emergency episodes, as such requirements would not be limited to nonattainment areas. As this example illustrates, each type of SIP submission may implicate some subsections of section 110(a)(2) and not others.

Given the potential for ambiguity of the statutory language of section 110(a)(1) and (2), EPA believes that it is appropriate for EPA to interpret that language in the context of acting on the infrastructure SIPs for a given NAAQS. Because of the inherent ambiguity of the list of requirements in section 110(a)(2), EPA has adopted an approach in which it reviews infrastructure SIPs against this list of elements ''as applicable.'' In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the purpose of the submission or the NAAQS in question, would meet each of the requirements, or meet each of them in the same way. EPA elected to use guidance to make recommendations for infrastructure SIPs for these NAAQS.

On October 2, 2007, EPA issued guidance making recommendations for the infrastructure SIP submissions for both the 1997 8-hour ozone NAAQS and the 1997 $PM_{2.5}$ NAAQS.[7] Within this guidance document, EPA described the duty of states to make these submissions to meet what the Agency characterized as the ''infrastructure'' elements for SIPs, which it further described as the ''basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the standards.'' [8] As further identification of these basic structural SIP requirements, ''attachment A'' to the guidance document included a short description of the various elements of section 110(a)(2) and additional information about the types of issues that EPA considered germane in the context of such infrastructure SIPs. EPA emphasized that the description of the basic requirements listed on attachment A was not intended ''to constitute an interpretation of'' the requirements, and was merely a ''brief description of the required elements.'' [9] EPA also stated its belief that with one exception, these requirements were ''relatively self explanatory, and past experience with SIPs for other NAAQS should enable States to meet these requirements with assistance from EPA Regions.'' [10] For the one exception to that general assumption, however, *i.e.,* how states should proceed with respect to the requirements of section 110(a)(2)(G) for the 1997 $PM_{2.5}$ NAAQS, EPA gave much more specific recommendations. But for other infrastructure SIP submittals, and for certain elements of the submittals for the 1997 $PM_{2.5}$ NAAQS, EPA assumed that each state would work with its corresponding EPA regional office to refine the scope of a State's submittal based on an assessment of how the requirements of section 110(a)(2) should reasonably apply to the basic structure of the State's implementation plan for the NAAQS in question.

Significantly, the 2007 Guidance did not explicitly refer to the SSM, director's discretion, minor source NSR, or NSR Reform issues as among specific substantive issues EPA expected states to address in the context of the infrastructure SIPs, nor did EPA give any more specific recommendations with respect to how states might address such issues even if they elected to do so. The SSM and director's discretion issues implicate section 110(a)(2)(A), and the minor source NSR and NSR Reform issues implicate section 110(a)(2)(C). In the 2007 Guidance, however, EPA did not indicate to states that it intended to interpret these provisions as requiring a substantive submission to address these specific issues in the context of the infrastructure SIPs for these NAAQS. Instead, EPA's 2007 Guidance merely indicated its belief that the states should make submissions in which they established that they have the basic SIP structure necessary to implement, maintain, and enforce the NAAQS. EPA believes that states can establish that they have the basic SIP structure, notwithstanding that there may be potential deficiencies within the existing SIP. Thus, EPA's proposals mentioned these issues not because the Agency considers them issues that must be addressed in the context of an infrastructure SIP as required by section 110(a)(1) and (2), but rather because EPA wanted to be clear that it considers these potential existing SIP problems as separate from the pending infrastructure SIP actions.

EPA believes that this approach to the infrastructure SIP requirement is reasonable, because it would not be feasible to read section 110(a)(1) and (2) to require a top to bottom, stem to stern, review of each and every provision of an existing SIP merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory

Plan (SIP) Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards,'' from William T. Harnett, Director Air Quality Policy Division OAQPS, to Regional Air Division Director, Regions I–X, dated August 15, 2006.

[6] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[7] See, ''Guidance on SIP Elements Required Under Section 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards,'' from William T. Harnett, Director, Air Quality Policy Division, to Air Division Directors, Regions I–X, dated October 2, 2007 (the ''2007 Guidance''). EPA issued comparable guidance for the 2006 $PM_{2.5}$ NAAQS entitled ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS),'' from William T. Harnett, Director, Air Quality Policy Division, to Regional Air Division Directors, Regions I–X, dated September 25, 2009 (the ''2009 Guidance'').

[8] *Id.,* at page 2.

[9] *Id.,* at attachment A, page 1.

[10] *Id.,* at page 4. In retrospect, the concerns raised by commenters with respect to EPA's approach to some substantive issues indicates that the statute is not so ''self explanatory,'' and indeed is sufficiently ambiguous that EPA needs to interpret it in order to explain why these substantive issues do not need to be addressed in the context of infrastructure SIPs and may be addressed at other times and by other means.

and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts that, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA considers the overall effectiveness of the SIP. To the contrary, EPA believes that a better approach is for EPA to determine which specific SIP elements from section 110(a)(2) are applicable to an infrastructure SIP for a given NAAQS, and to focus attention on those elements that are most likely to need a specific SIP revision in light of the new or revised NAAQS. Thus, for example, EPA's 2007 Guidance specifically directed states to focus on the requirements of section 110(a)(2)(G) for the 1997 $PM_{2.5}$ NAAQS because of the absence of underlying EPA regulations for emergency episodes for this NAAQS and an anticipated absence of relevant provisions in existing SIPs.

Finally, EPA believes that its approach is a reasonable reading of section 110(a)(1) and (2) because the statute provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow the Agency to take appropriate tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP Call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or otherwise to comply with the CAA.[11] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[12] Significantly, EPA's determination that an action on the infrastructure SIP is not the appropriate time and place to address all potential existing SIP problems does not preclude the Agency's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on the infrastructure SIP, EPA believes that section 110(a)(2)(A) may be among the statutory bases that the Agency cites in the course of addressing the issue in a subsequent action.[13]

IV. Final Action

EPA is taking final action to approve Kansas' submittals that provide the basic program elements to meet the applicable requirements in CAA sections 110(a)(2)(A), (B), (C), (D) (ii), (E), (F), (G), (H), (J), (K), (L), and (M) necessary to implement, maintain, and enforce the 1997 8-hour ozone NAAQS.

As explained in the proposed rulemaking, this action does not address the requirements of section 110(a)(2)(D)(i) for the 1997 8-hour ozone NAAQS, because it has already been addressed in a prior rulemaking. See 72 FR 10608.[14] The scope of this action is further discussed in section III, above.

V. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in

[11] EPA has recently issued a SIP call to rectify a specific SIP deficiency related to the SSM issue. See, ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revision,'' 74 FR 21639 (April 18, 2011).

[12] EPA has recently utilized this authority to correct errors in past actions on SIP submissions related to PSD programs. See, ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). EPA has previously used its authority under CAA 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[13] EPA has recently disapproved a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21,2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (January 26, 2011) (final disapproval of such provisions).

[14] Subsequent to this prior approval, updated modeling in support of the proposed Transport Rule (75 FR 45210) has indicated that emissions from Kansas sources significantly contribute to nonattainment or interfere with maintenance of the 1997 8-hour ozone NAAQS in downwind areas. Therefore, EPA believes that the previously approved Kansas SIP may no longer adequately address these emissions. Therefore, in a separate action, EPA has proposed to find that the SIP revision approved on March 9, 2007 is substantially inadequate pursuant to section 110(a)(2)(D)(i). If EPA finalizes this proposed finding with respect to Kansas, EPA also proposed that Kansas would be required to revise its SIP to correct these deficiencies. *See* 76 FR 763 (January 6, 2011) for more details.

the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Courtof Appeals for the appropriate circuit by September 9, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone.

Dated: June 28, 2011.

Karl Brooks,

Regional Administrator, Region 7.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart R—Kansas

■ 2. In § 52.870(e) the table is amended by adding an entry in numerical order to read as follows:

§ 52.870 Identification of plan

* * * * *

(e) * * *

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
(32) Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS.	Statewide	01/08/2008 07/20/2009	07/11/2011 [Insert citation of publication].	This action addresses the following CAA elements, as applicable: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M)

[FR Doc. 2011–17190 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2010–0423; FRL–8879–2]

Mevinphos; Data Call-in Order for Pesticide Tolerances

Correction

In rule document 2011–16355 appearing on pages 38037–38040 in the issue of June 29, 2011, make the following correction:

On page 38039, in the third column, in the first full paragraph, in the fifth and sixth lines, ''June 29, 2011'' should read ''September 27, 2011''.

[FR Doc. C1–2011–16355 Filed 7–8–11; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0906261095–1339–03]

RIN 0648–AX97

Groundfish Fisheries of the EEZ Off Alaska; Pacific Halibut Fisheries; CDQ Program; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Recordkeeping and Reporting

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

ACTION: Final rule.

SUMMARY: NMFS issues this rule to revise recordkeeping and reporting regulations and make other miscellaneous revisions. The revisions include adding a requirement that the Registered Crab Receiver record in eLandings the region in which the stationary floating processor is located at time of crab delivery; standardizing reporting time limits for recording discard, disposition, product, and other required information in the daily fishing logbook, daily cumulative production logbook, eLandings, or the electronic logbook so that the information corresponds with fishing and processing operations; incorporating miscellaneous edits and corrections to regulatory text and tables, including standardizing the use of the terms ''recording,'' ''submitting,'' ''landings,'' and ''landing;'' and reinstating regulations that were inadvertently removed in a previous final rule about locations where NMFS will conduct scale inspections. This action promotes the goals and objectives of the fishery management plans, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

DATES: Effective August 10, 2011.

ADDRESSES: Electronic copies of this rule, the Regulatory Impact Review (RIR), and the categorical exclusion memorandum prepared for this action may be obtained from the Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this rule may be submitted by mail to NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668, *Attn:* Ellen Sebastian, Records Officer; in person at NMFS, Alaska Region, 709 West 9th Street, Room 420A, Juneau, Alaska; and by e-mail to *OIRA_Submission@omb.eop.gov,* or by fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION: NMFS manages the U.S. groundfish fisheries of the exclusive economic zone off Alaska under the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP). With Federal oversight, the State of Alaska manages the commercial king crab and Tanner crab fisheries under the Fishery Management Plan for Bering Sea/Aleutian Islands king and Tanner Crabs. The fishery management plans (FMPs) were prepared by the North Pacific Fishery Management Council and approved by the Secretary of Commerce under authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* The FMPs are implemented by regulations at 50 CFR parts 679 and 680. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

Management of the Pacific halibut fisheries in and off Alaska is governed by an international agreement, the ''Convention Between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea,'' (Convention) which was signed in Ottawa, Canada, on March 2, 1953, and was amended by the ''Protocol Amending the Convention,'' signed in Washington, DC, on March 29, 1979. The Convention is implemented in the United States by the Northern Pacific Halibut Act of 1982.

The Interagency Electronic Reporting System, with its data entry component, eLandings, was implemented with a final rule published March 2, 2005 (70 FR 10174), for the Crab Rationalization (CR) Program. The use of eLandings was implemented for groundfish fisheries and the Individual Fishing Quota (IFQ) Program through a final rule published December 15, 2008 (73 FR 76136).

Since implementation and use of eLandings, NMFS has identified minor regulatory changes needed to improve and update the methods and procedures of eLandings, and to improve the flexibility and efficiency of recordkeeping and reporting requirements for NMFS Alaska Region fishery programs.

This final rule revises regulations, as follows:

- Standardizes data entry time limits for recording discard, disposition, product, and other required information in the daily fishing logbook, daily cumulative production logbook, or eLandings to correspond with actual fishing operations.
- Sets time limits for recording information in the paper catcher vessel daily fishing logbooks (DFLs) and mothership and catcher/processor DCPLs.
- Sets time limits to submit landing reports and production reports to NMFS through eLandings.
- Sets time limits to submit electronic logbook (ELB) information through eLandings.
- Revises information to be recorded or submitted ''by noon of the following day'' to read ''by midnight of the following day.''
- Revises ''noon'' and ''midnight'' in Alaska local time (A.l.t.) to read 1200 hours, A.l.t., and 2400 hours, A.l.t., respectively.
- Changes the deadline for a vessel operator's signature entry in the DFLs, DCPLs, and ELBs from noon to midnight.
- Revises the deadline for printing a copy of the ELB logsheet from noon to midnight each day.
- Revises the submittal time limit for the delivery ''landed scale weight'' entry on SSP or SFP eLandings landing reports.
- Revises the time limit to record scale weights in the DCPL for catcher/processors participating in the Central Gulf of Alaska Rockfish Program.
- Revises deadlines for recording scale weights and CDQ group number in the catcher/processor trawl DCPL.
- Removes the requirement to record the date of landing in the SSP or SFP landing report.
- Clarifies extension of time limits for eLandings production reports from SSPs or SFPs not taking deliveries over the weekend.
- Corrects reporting time limit tables for DCPLs and eLandings.
- Adds a requirement that the Registered Crab Receiver record the region in which the stationary floating processor is located at the time of crab delivery.
- Makes non-substantive clarification edits and corrections to regulatory text to include the recording of information in a logbook versus submitting information through eLandings, record information about crew and observers in eLandings, and the correct use of the terms ''landings'' and ''landing.''
- Makes non-substantive clarifications to regulatory tables.
- Removes detailed NMFS mail, fax, and delivery addresses from regulations and replace them with one paragraph stating that the form must be submitted in accordance with instructions on the form.
- Provides separate species codes for Arrowtooth flounder, *Atheresthes stomias,* species code 121, and for Kamchatka flounder, *Atheresthes evermanni,* species code 117.
- Reinstates regulations about scale inspection locations that were inadvertently removed in a previous rule.

These changes are intended to remove inconsistencies in the current regulations describing eLandings. These changes will reduce potential confusion on the part of industry participants, other interested parties, and the public at large. In addition, these changes will reduce costs for processors and Registered Crab Receivers using eLandings. The fishing industry currently uses eLandings to comply with recordkeeping and reporting requirements, so the time and knowledge it takes to complete an eLandings data entry is already established. The entities upon which these changes are imposed are existing registered eLandings users.

These changes will provide benefits, by clarifying eLandings requirements for industry participants and other interested parties, and by increasing the efficiency of the eLandings process. The overall impact on the fishing industry will be increased operational flexibility. There are no economic impacts from these proposed regulatory changes.

NMFS published the proposed rule for this action in the **Federal Register** on February 11, 2011 (76 FR 7788), with a public comment period that closed March 14, 2011. No comments were received during this comment period.

The principal elements of this regulatory amendment are described and explained in detail in the preamble to the proposed rule and are not repeated here.

NMFS made no changes from the proposed rule to the final rule.

Classification

The Administrator, Alaska Region, NMFS, determined that the amendment is necessary for the conservation and management of the BSAI and GOA groundfish fisheries and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action will not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the

proposed rule and is not repeated here. No comments were received regarding this certification, and no changes have been made from the proposed rule. As a result, a regulatory flexibility analysis was not required and none was prepared.

Collection-of-Information Requirements

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) and which have been approved by the Office of Management and Budget (OMB). Public reporting burden estimates per response for these requirements are listed by OMB control number.

OMB Control Number 0648–0213

Public reporting burden is estimated to average per response: 18 minutes for catcher vessel trawl gear DFL; 28 minutes for catcher vessel longline or pot gear DFL; 31 minutes for mothership DCPL; 41 minutes for catcher/processor longline or pot gear DCPL; and 30 minutes for catcher/processor trawl gear DCPL or ELB.

OMB Control Number 0648–0515

Public reporting burden is estimated to average per response: 15 minutes for eLandings application processor registration; 35 minutes for eLandings landing report; and 20 minutes for catcher/processor or mothership eLandings production report.

OMB Control Number 0648–0330

Public reporting burden is estimated to average per response: 6 minutes for inspection request for an at-sea scale.

Public reporting estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection-of-information.

Send comments on these or any other aspects of the collection-of-information to NMFS Alaska Region at the **ADDRESSES** above, and e-mail to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285.

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

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: June 28, 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 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

■ 2. In § 679.5,

■ a. Remove paragraphs (c)(3)(i)(C)(*2*) and (e)(5)(i)(A)(*11*);

■ b. Redesignate paragraph (c)(3)(i)(C)(*1*) as (c)(3)(i)(C), paragraphs (c)(4)(ii)(B)(*2*) through (*6*) as paragraphs (c)(4)(ii)(B)(*3*) through (*7*), and paragraph (e)(5)(i)(A)(*12*) as (e)(5)(i)(A)(*11*);

■ c. Revise paragraphs (c)(3)(ii)(A) table heading, (c)(3)(ii)(A)(*2*), (c)(3)(ii)(B) introductory text, (c)(3)(ii)(B) table heading, (c)(3)(ii)(B)(*1*), (*2*), (*3*), (*4*), and (*5*), (c)(4)(ii) heading, (c)(4)(ii)(A) table heading, (c)(4)(ii)(A)(*2*), (c)(4)(ii)(B) introductory text, (c)(4)(ii)(B) table heading, (c)(4)(ii)(B)(*1*), newly redesignated (c)(4)(ii)(B)(*3*) through (*6*), (c)(6)(ii) heading, (c)(6)(ii) introductory text, (c)(6)(ii) table heading, (c)(6)(ii)(A), (B), (C), (D), and (E), (e)(2)(ii), (e)(4), (e)(5)(i)(B), (e)(5)(ii), (e)(6)(ii), (e)(7)(iii)(C), (e)(8)(iii)(B), (e)(9)(ii), (e)(10)(iv), (e)(11)(i), (e)(12), (f)(2)(iii)(B)(*1*), and (f)(3)(i)(C); and

■ d. Add paragraphs (c)(4)(ii)(B)(*2*) and (e)(8)(iii)(D).

The additions and revisions read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

* * * * *

(c) * * *

(3) * * *

(ii) * * *

(A) * * *

REPORTING TIME LIMITS, CATCHER VESSEL LONGLINE OR POT GEAR

Required information	Time limit for recording
* * * * * * *	
(*2*) Discard and disposition information	By 2400 hours, A.l.t., each day to record the previous day's discard and disposition information.
* * * * * * *	

(B) *Catcher/processor.* The operator of a catcher/processor using longline or pot gear must record in the DCPL or submit via eLandings the information from the following table for each set within the specified time limit:

REPORTING TIME LIMITS, CATCHER/PROCESSOR LONGLINE OR POT GEAR

Required information	Record in DCPL	Submit via eLandings	Time limit for reporting
(*1*) Set number, time and date gear set, time and date gear hauled, beginning and end positions, CDQ group number, halibut CDQ permit number, halibut IFQ permit number, sablefish IFQ permit number, crab IFQ permit number, FFP number and/or Federal crab vessel permit number (if applicable), number of pots set, and estimated total hail weight for each set.	X	.....	Within 2 hours after completion of gear retrieval.

REPORTING TIME LIMITS, CATCHER/PROCESSOR LONGLINE OR POT GEAR—Continued

Required information	Record in DCPL	Submit via eLandings	Time limit for reporting
(*2*) Discard and disposition information	.....	X	By 2400 hours, A.l.t., each day to record the previous day's discard and disposition information.
(*3*) Product information	.....	X	By 2400 hours, A.l.t., each day to record the previous day's production information.
(*4*) All other required information	X	.....	By 2400 hours, A.l.t., of the day following completion of production.
(*5*) Operator sign the completed logsheets	X	.....	By 2400 hours, A.l.t., of the day following the week-ending date of the weekly reporting period.
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(4) * * *

(ii) *Reporting time limits.*

(A) * * *

REPORTING TIME LIMITS, CATCHER VESSEL TRAWL GEAR

Required information	Time limit for recording
* * * * * * *	
(*2*) Discard and disposition information	By 2400 hours, A.l.t., each day to record the previous day's discard and disposition information.
* * * * * * *	

(B) *Catcher/processor.* The operator of a catcher/processor using trawl gear must record in the DCPL or submit via eLandings the information in the following table for each haul within the specified time limit:

REPORTING TIME LIMITS, CATCHER/PROCESSOR TRAWL GEAR

Required information	Record in DCPL	Submit via eLandings	Time limit for reporting
(*1*) Management program, except CDQ Program, haul number, time and date gear set, time and date gear hauled, begin and end positions of gear, and, if not required to weigh catch on a scale approved by NMFS, total estimated hail weight for each haul.	X	.....	Within 2 hours after completion of gear retrieval.
(*2*) CDQ group number (if applicable) and, if required to weigh catch on a scale approved by NMFS, the scale weight of total catch for each haul.	X	.....	Within 2 hours after completion of weighing all catch in the haul.
(*3*) Discard and disposition information	.....	X	By 2400 hours, A.l.t., each day to record the previous day's discard and disposition information.
(*4*) Product information	.....	X	By 2400 hours, A.l.t., each day to record the previous day's production information.
(*5*) All other required information	X	.....	By 2400 hours, A.l.t., of the day following completion of production to record all other required information.
(*6*) Operator sign the completed logsheets	X	.....	By 2400 hours, A.l.t., of the day following the week-ending date of the weekly reporting period.
* * * * * * *			

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(6) * * *

(ii) *Reporting time limits.* The operator of a mothership must record in the DCPL or submit via eLandings the information in the following table for each groundfish delivery within the specified time limit:

REPORTING TIME LIMITS, MOTHERSHIP

Required information	Record in DCPL	Submit via eLandings	Time limit for reporting
(A) All catcher vessel or buying station delivery information.	X	.....	Within 2 hours after completion of receipt of each groundfish delivery.

REPORTING TIME LIMITS, MOTHERSHIP—Continued

Required information	Record in DCPL	Submit via eLandings	Time limit for reporting
(B) Product information		X	By 2400 hours, A.l.t., each day to record the previous day's production information.
(C) Discard or disposition information		X	By 2400 hours, A.l.t., each day to record the previous day's discard/disposition.
(D) All other required information	X		By 2400 hours, A.l.t., of the day following completion of production.
(E) Operator sign the completed logsheets	X		By 2400 hours, A.l.t., of the day following the week-ending date of the weekly reporting period.

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(e) * * *

(2) * * *

(ii) Upon registration acceptance, the User must print, sign, and mail the User Agreement Form to NMFS at the address or fax number shown on the form. Confirmation will be e-mailed to indicate that the User is registered, authorized to use eLandings, and that the UserID and User's account are enabled.

* * * * *

(4) *Information entered automatically for eLandings landing report.* eLandings autofills the following fields from processor registration records (see paragraph (e)(2) of this section): UserID, processor company name, business telephone number, e-mail address, port of landing, operation type (for catcher/processors, motherships, or SFPs), ADF&G processor code, and Federal permit number. The User must review the autofilled cells to ensure that they are accurate for the landing that is taking place. eLandings assigns a unique landing report number and an ADF&G electronic fish ticket number upon completion of data entry.

* * * * *

(5) * * *

(i) * * *

(B) *Landed scale weight.* The User for a shoreside processor or SFP must record landed scale weight (to the nearest pound) for all retained species from groundfish deliveries by species code and delivery condition code. Obtain actual weights for each groundfish species received and retained by:

(*1*) Sorting according to species codes and direct weighing of that species, or

(*2*) Weighing the entire delivery and then sorting and weighing the groundfish species individually to determine their weights.

* * * * *

(ii) *Submittal time limit.* The User for a shoreside processor or SFP must submit a landing report containing the information described in paragraph (e)(5)(i) of this section for each groundfish delivery from a specific vessel by 1200 hours, A.l.t., of the day following completion of the delivery. If the landed scale weight required in paragraph (e)(5)(i)(C) of this section is not available by this deadline, the User must transmit an estimated weight for each species by 1200 hours, A.l.t., of the day following completion of the delivery, and must submit a revised landing report with the landed scale weight for each species by 1200 hours, A.l.t., of the third day following completion of the delivery.

* * * * *

(6) * * *

(ii) *Submittal time limit.* The User for a mothership must submit a landing report containing the information described at paragraph (e)(6)(i) of this section for each groundfish delivery from a specific vessel by 2400 hours, A.l.t., of the day following the delivery.

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(7) * * *

(iii) * * *

(C) *Landing completion.* The User for the Registered Buyer must submit an IFQ landing report, containing the information described in this paragraph (e)(7), within six hours after all IFQ halibut, CDQ halibut, and IFQ sablefish are offloaded from a specific vessel and prior to shipment or transfer of said fish from the landing site.

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(8) * * *

(iii) * * *

(B) *Operation type and port code*—(*1*) If a shoreside processor, the port code is pre-filled automatically (see § 679.5(e)(4)).

(*2*) If a catcher/processor, the at-sea operation type is pre-filled automatically.

(*3*) If an SFP and crab delivery is received in port, the at-sea operation type is pre-filled automatically (see § 679.5(e)(4)) and the User must enter the port code from Table 14a to this part.

(*4*) If an SFP and crab delivery is received at sea, the at-sea operation type is pre-filled automatically (see § 679.5(e)(4)) and the User must enter the appropriate crab regional designation (see § 680.40(b)(2)), shown below:

CR CRAB REGIONAL DESIGNATIONS

N—North Region	Landed in the Bering Sea subarea north of 56°20′ N. lat.
S—South Region	Landed in any area in Alaska, not in the North Region.
W—West Region	West of 174° W. long. Only applicable for western Aleutian Islands golden king crab (WAG).

* * * * *

(D) *Crew and observer information*—(*1*) For crew size, enter the number of licensed crew aboard the vessel, including the operator.

(*2*) Number of observers aboard.

* * * * *

(9) * * *

(ii) *Submittal time limits*—(A) When active pursuant to paragraph (c)(5)(ii) of this section, the User for a shoreside processor or SFP must submit a production report by 1200 hours, A.l.t., each day to record the previous day's production information.

(B) If a shoreside processor or SFP using eLandings is not taking deliveries

over a weekend, the User or manager may submit the eLandings production report from Saturday and Sunday to NMFS by 1200 hours, A.l.t., on the following Monday.

(10) * * *

(iv) *Submittal time limits*—(A) Except as described in paragraph (e)(10)(iv)(B) of this section, when a mothership is active pursuant to paragraph (c)(6)(iv) of this section, a catcher/processor longline or pot gear is active pursuant to paragraph (c)(3)(iv)(B) of this section, or a catcher/processor trawl gear is active pursuant to paragraph (c)(4)(iv)(B) of this section, the User for a mothership or catcher/processor must submit a production report by 2400 hours, A.l.t., each day to record the previous day's production information.

(B) If a vessel is required to have 100 percent observer coverage or more, the User may submit a production report for Friday, Saturday, and Sunday no later than 2400 hours, A.l.t., on the following Monday.

(11) *Printing of landing reports, landing receipts, and production reports*—(i) The User daily must print a paper copy onsite or onboard of:

(A) Each landing report.

(B) If IFQ halibut, IFQ sablefish, or CDQ halibut, each sablefish/halibut IFQ landing receipt.

(C) If IFQ crab, each crab IFQ landing receipt.

(D) Each production report.

* * * * *

(12) *Retention and inspection of landing reports, landing receipts, and production reports*—(i) The User daily must retain a printed paper copy onsite or onboard of:

(A) Each landing report.

(B) If IFQ halibut, IFQ sablefish, or CDQ halibut, each sablefish/halibut IFQ landing receipt.

(C) If IFQ crab, each crab IFQ landing receipt.

(D) Each production report.

(ii) The User must make available the printed copies upon request of NMFS observers and authorized officers as indicated at paragraph (a)(5) of this section.

(f) * * *

(2) * * *

(iii) * * *

(B) * * *

(*1*) *Recording time limits.* The time limits for recording applicable information in the ELBs are the same as the recording time limits for DFLs and DCPLs in paragraphs (c)(3), (c)(4), and (c)(6) of this section.

* * * * *

(3) * * *

(i) * * *

(C) Print a copy of the ELB logsheet for the observer's use, if an observer is onboard the vessel, by 2400 hours, A.l.t., each day to record the previous day's ELB information.

* * * * *

■ 3. In § 679.28, paragraph (b)(2)(v) is revised to read as follows.

§ 679.28 Equipment and operational requirements.

* * * * *

(b) * * *

(2) * * *

(v) *Where will scale inspections be conducted*? Scales inspections by inspectors paid by NMFS will be conducted on vessels tied up at docks in Kodiak, Alaska; Dutch Harbor, Alaska; and in the Puget Sound area of Washington State.

§§ 679.5, 679.28, 679.32, 679.40, 679.41, 679.42, 679.45, 679.80, 679.90, 679.94 [Amended]

■ 4. At each of the locations shown in the ''Location'' column, remove the phrase indicated in the ''Remove'' column and replace it with the phrase indicated in the ''Add'' column for the number of times indicated in the ''Frequency'' column.

Location	Remove	Add	Frequency
§ 679.5(c)(3)(i)(B)(*2*)	sablefish landings data	sablefish landing data	1
§ 679.5(c)(3)(ii) heading	Data entry time limits	Reporting time limits	1
§ 679.5(c)(4)(i)(B)	catch-by-haul landings information	catch-by-haul landing information	1
§ 679.5(c)(4)(iv)(B)(*2*)	record in eLandings	submit in eLandings	1
§ 679.5(c)(4)(v)(C)	noon	2400 hours, A.l.t.	1
§ 679.5(e)(1)(i)	landings data	landing data	1
§ 679.5(e)(1)(iii) heading	Reporting of IFQ crab, IFQ halibut, and IFQ sablefish.	IFQ manual landing report	1
§ 679.5(e)(5) heading	SFP landings report	SFP landing report	1
§ 679.5(e)(5) introductory text	daily landings report	daily landing report	1
§ 679.5(e)(6) heading	Mothership landings report	Mothership landing report	1
§ 679.5(e)(6) introductory text	daily landings report	daily landing report	1
§ 679.5(e)(7) heading	Registered Buyer landings report	Registered Buyer landing report	1
§ 679.5(e)(7) introductory text	landings reports	landing reports	1
§ 679.5(e)(7)(ii)(A) and (iii)(B)	groundfish IFQ landing receipt	sablefish/halibut IFQ landing receipt	1
§ 679.5(e)(8) heading	Registered Crab Receiver (RCR) IFQ crab landings report.	Registered Crab Receiver (RCR) IFQ crab landing report.	1
§ 679.5(e)(8)(i) and (ii)	landings report	landing report	1
§ 679.5(e)(8)(iii)	must enter the following information (see paragraphs (e)(8)(iii)(A) through (C) of this section) into eLandings.	must submit information described at paragraphs (e)(8)(iii)(A) through (D) of this section into eLandings.	1
§ 679.5(e)(8)(vi)(B)	noon	1200 hours, A.l.t.	1
§ 679.5(f)(3)(i)(A)	noon	2400 hours, A.l.t.	1
§ 679.5(f)(4)(i)	noon	2400 hours, A.l.t.	1
§ 679.28(d)(8)(i) introductory text, § 679.28(i)(3) introductory text, § 679.32(c)(1), § 679.41(m)(3) introductory text, § 679.42(d)(2)(iii) introductory text, § 679.80(e)(2), § 679.90(b)(2), § 679.90(f)(2), and § 679.94(a)(3).	*http://www.fakr.noaa.gov*	*http://alaskafisheries.noaa.gov*.	1
§ 679.40(h)(2)	*groundfish IFQ landing receipt*	sablefish/halibut IFQ landing receipt	1
§ 679.45(a)(4)(iii)	*http://www.fakr.noaa.gov/ram*	*http://alaskafisheries.noaa.gov/ram*.	1

■ 5. Revise Table 1a to part 679 to read as follows:

TABLE 1a TO PART 679—DELIVERY CONDITION* AND PRODUCT CODES

[General Use Codes]

Description	Code
Belly flaps. Flesh in region of pelvic and pectoral fins and behind head (ancillary only)	19
Bled only. Throat, or isthmus, slit to allow blood to drain	03
Bled fish destined for fish meal (includes offsite production) *DO NOT RECORD ON PTR*	42
Bones (if meal, report as 32) (ancillary only)	39
Butterfly, no backbone. Head removed, belly slit, viscera and most of backbone removed; fillets attached	37
Cheeks. Muscles on sides of head (ancillary only)	17
Chins. Lower jaw (mandible), muscles, and flesh (ancillary only)	18
Fillets, deep-skin. Meat with skin, adjacent meat with silver lining, and ribs removed from sides of body behind head and in front of tail, resulting in thin fillets	24
Fillets, skinless/boneless. Meat with both skin and ribs removed, from sides of body behind head and in front of tail	23
Fillets with ribs, no skin. Meat with ribs with skin removed, from sides of body behind head and in front of tail	22
Fillets with skin and ribs. Meat and skin with ribs attached, from sides of body behind head and in front of tail	20
Fillets with skin, no ribs. Meat and skin with ribs removed, from sides of body behind head and in front of tail	21
Fish meal. Meal from whole fish or fish parts; includes bone meal	32
Fish oil. Rendered oil from whole fish or fish parts. Record only oil destined for sale and not oil stored or burned for fuel onboard	33
Gutted, head on. Belly slit and viscera removed	04
Gutted, head off. Belly slit and viscera removed (May be used for halibut personal use)	05
Head and gutted, with roe	06
Headed and gutted, Western cut. Head removed just in front of the collar bone, and viscera removed	07
Headed and gutted, Eastern cut. Head removed just behind the collar bone, and viscera removed	08
Headed and gutted, tail removed. Head removed usually in front of collar bone, and viscera and tail removed	10
Heads. Heads only, regardless where severed from body (ancillary only)	16
Kirimi (Steak). Head removed either in front or behind the collar bone, viscera removed, and tail removed by cuts perpendicular to the spine, resulting in a steak	11
Mantles, octopus or squid. Flesh after removal of viscera and arms	36
Milt. In sacs, or testes (ancillary only)	34
Minced. Ground flesh	31
Other retained product. If product is not listed on this table, enter code 97 and write a description with product recovery rate next to it in parentheses	97
Pectoral girdle. Collar bone and associated bones, cartilage and flesh	15
Roe. Eggs, either loose or in sacs, or skeins (ancillary only)	14
Salted and split. Head removed, belly slit, viscera removed, fillets cut from head to tail but remaining attached near tail. Product salted	12
Stomachs. Includes all internal organs (ancillary only)	35
Surimi. Paste from fish flesh and additives	30
Whole fish/ or shellfish/food fish	01
Wings. On skates, side fins are cut off next to body	13
SHELLFISH ONLY	
Soft shell crab	75
Bitter crab	76
Deadloss	79
Sections	80
Meat	81

Note: When using whole fish code, record round weights rather than product weights, even if the whole fish is not used.

* Delivery condition code: Condition of the fish or shellfish at the point it is weighed and recorded on the ADF&G fish ticket.

■ 6. Revise Table 1b to part 679 to read as follows:

TABLE 1B TO PART 679—DISCARD AND DISPOSITION CODES [1]

Description	Code
Confiscation or seized	63
Deadloss (crab only)	79
Overage	62
Retained for future sale	87
Tagged IFQ Fish (Exempt from debit)	64
Whole fish/bait, not sold. Used as bait onboard vessel	92
Whole fish/bait, sold	61
Whole fish/discard at sea. Whole groundfish and prohibited species discarded by catcher vessels, catcher/processors, motherships, or tenders. *DO NOT RECORD ON PTR*	98
Whole fish/discard, damaged. Whole fish damaged by observer's sampling procedures	93
Whole fish/discard, decomposed. Decomposed or previously discarded fish	89
Whole fish/discard, infested. Flea-infested fish, parasite-infested fish	88

TABLE 1B TO PART 679—DISCARD AND DISPOSITION CODES [1]—Continued

Description	Code
Whole fish/discard, onshore. Discard after delivery and before processing by shoreside processors, stationary floating processors, and buying stations and in-plant discard of whole groundfish and prohibited species during processing. *DO NOT RECORD ON PTR*	99
Whole fish/donated prohibited species. Number of Pacific salmon or Pacific halibut, otherwise required to be discarded, that is donated to charity under a NMFS-authorized program	86
Whole fish/fish meal. Whole fish destined for meal (includes offsite production.) *DO NOT RECORD ON PTR*	41
Whole fish/personal use, consumption. Fish or fish products eaten on board or taken off the vessel for personal use. Not sold or utilized as bait	95
Whole fish/sold, for human consumption	60

Note: When using whole fish codes, record round weights rather than product weights, even if the whole fish is not used.
[1] Disposition Code: The intended use or disposal of the fish or shellfish.

■ 7. Revise Table 2a to part 679 to read as follows:

TABLE 2A TO PART 679—SPECIES CODES: FMP GROUNDFISH

Species description	Code
Atka mackerel (greenling)	193
Flatfish, miscellaneous (flatfish species without separate codes)	120
FLOUNDER	
Alaska plaice	133
Arrowtooth	121
Bering	116
Kamchatka	117
Starry	129
Octopus, North Pacific	870
Pacific cod	110
Pollock	270
ROCKFISH	
Aurora (*Sebastes aurora*)	185
Black (BSAI) (*S. melanops*)	142
Blackgill (*S. melanostomus*)	177
Blue (BSAI) (*S. mystinus*)	167
Bocaccio (*S. paucispinis*)	137
Canary (*S. pinniger*)	146
Chilipepper (*S. goodei*)	178
China (*S. nebulosus*)	149
Copper (*S. caurinus*)	138
Darkblotched (*S. crameri*)	159
Dusky (*S. variabilis*)	172
Greenstriped (*S. elongatus*)	135
Harlequin (*S. variegatus*)	176
Northern (*S. polyspinis*)	136
Pacific Ocean Perch (*S. alutus*)	141
Pygmy (*S. wilsoni*)	179
Quillback (*S. maliger*)	147
Redbanded (*S. babcocki*)	153
Redstripe (*S. proriger*)	158
Rosethorn (*S. helvomaculatus*)	150
Rougheye (*S. aleutianus*)	151
Sharpchin (*S. zacentrus*)	166
Shortbelly (*S. jordani*)	181
Shortraker (*S. borealis*)	152
Silvergray (*S. brevispinis*)	157
Splitnose (*S. diploproa*)	182
Stripetail (*S. saxicola*)	183
Thornyhead (all *Sebastolobus* species)	143
Tiger (*S. nigrocinctus*)	148
Vermilion (*S. miniatus*)	184
Widow (*S. entomelas*)	156
Yelloweye (*S. ruberrimus*)	145
Yellowmouth (*S. reedi*)	175
Yellowtail (*S. flavidus*)	155
Sablefish (blackcod)	710
Sculpins	160
SHARKS	
Other (if salmon, spiny dogfish or Pacific sleeper shark—use specific species code)	689
Pacific sleeper	692

TABLE 2A TO PART 679—SPECIES CODES: FMP GROUNDFISH—Continued

Species description	Code
Salmon	690
Spiny dogfish	691
SKATES	
Big	702
Longnose	701
Other (If longnose or big skate—use specific species code)	700
SOLE	
Butter	126
Dover	124
English	128
Flathead	122
Petrale	131
Rex	125
Rock	123
Sand	132
Yellowfin	127
Squid, majestic	875
Turbot, Greenland	134

■ 8. Revise Table 2d to part 679 to read as follows:

TABLE 2D TO PART 679—SPECIES CODES: NON-FMP SPECIES

General use	
Species description	Code
Arctic char, anadromous	521
Dolly varden, anadromous	531
Eels or eel-like fish	210
Eel, wolf	217
GREENLING	
Kelp	194
Rock	191
Whitespot	192
Grenadier, giant	214
Grenadier (rattail)	213
Jellyfish (unspecified)	625
Lamprey, pacific	600
Lingcod	130
Lumpsucker	216
Pacific flatnose	260
Pacific hagfish	212
Pacific hake	112
Pacific lamprey	600
Pacific saury	220
Pacific tomcod	250
Poacher (Family Algonidae)	219
Prowfish	215
Ratfish	714
Rockfish, black (GOA)	142
Rockfish, blue (GOA)	167
Rockfish, dark	173
Sardine, Pacific (pilchard)	170
Sea cucumber, red	895
Shad	180
Skilfish	715
Snailfish, general (genus *Liparis* and genus *Careproctus*)	218
Sturgeon, general	680
Wrymouths	211
Shellfish	
Abalone, northern (pinto)	860
Clams	
Arctic surf	812
Cockle	820
Eastern softshell	842
Pacific geoduck	815
Pacific littleneck	840
Pacific razor	830

TABLE 2D TO PART 679—SPECIES CODES: NON-FMP SPECIES—Continued

General use	
Species description	Code
Washington butter	810
Coral	899
Mussel, blue	855
Oyster, Pacific	880
Scallop, weathervane	850
Scallop, pink (or calico)	851
SHRIMP	
Coonstripe	864
Humpy	963
Northern (pink)	961
Sidestripe	962
Spot	965
Snails	890
Urchin, green sea	893
Urchin, red sea	892

■ 9. Revise Table 3 to part 679 to read as follows:

TABLE 3 TO PART 679--PRODUCT RECOVERY RATES FOR GROUNDFISH SPECIES AND CONVERSION RATES FOR PACIFIC HALIBUT

Species Code	FMP Species	Product Code											
		1, 41, 86, 92, 93, 95 Whole Fish	3 Bled	4 Gutted Head On	5 Gutted Head Off	6 H&G with Roe	7 H&G West Cut	8 H&G East Cut	10 H&G w/o Tail	11 Kirimi	12 Salted & Split	13 Wings	14 Roe
110	Pacific Cod	1.00	0.98	0.85	---	0.63	0.57	0.47	0.44	---	0.45	---	0.05
121	Arrowtooth/Kamchatka	1.00	0.98	0.90	---	0.80	0.72	0.65	0.62	0.48	---	---	0.08
122	Flathead Sole	1.00	0.98	0.90	---	0.80	0.72	0.65	0.62	0.48	---	---	0.08
123	Rock Sole	1.00	0.98	0.90	---	0.80	0.72	0.65	0.62	0.48	---	---	0.08
124	Dover Sole	1.00	0.98	0.90	---	0.80	0.72	0.65	0.62	0.48	---	---	0.08
125	Rex Sole	1.00	0.98	0.90	---	0.80	0.72	0.65	0.62	0.48	---	---	0.08
127	Yellowfin Sole	1.00	0.98	0.90	---	0.80	0.72	0.65	0.62	0.48	---	---	0.08
134	Greenland Turbot	1.00	0.98	0.90	---	0.80	0.72	0.65	0.62	0.48	---	---	0.08
143	Thornyhead Rockfish	1.00	0.98	0.88	---	0.55	0.60	0.50	---	---	---	---	---
160	Sculpins	1.00	0.98	0.87	---	---	0.50	0.40	---	---	---	---	---
193	Atka Mackerel	1.00	0.98	0.87	---	0.67	0.64	0.61	---	---	---	---	---
270	Pollock	1.00	0.98	0.80	---	0.70	0.65	0.56	0.50	0.25	---	---	0.07
510	Smelts	1.00	0.98	0.82	---	---	0.71	---	---	---	---	---	---
511	Eulachon	1.00	0.98	0.82	---	---	0.71	---	---	---	---	---	---
516	Capelin	1.00	0.98	0.89	---	---	0.78	---	---	---	---	---	---
---	Sharks	1.00	0.98	0.83	---	---	0.72	---	---	---	---	---	---
---	Skates	1.00	0.98	0.90	---	---	---	0.32	---	---	---	0.32	---
710	Sablefish	1.00	0.98	0.89	---	---	0.68	0.63	0.50	---	---	---	---
870	Octopus	1.00	0.98	0.81	---	---	---	---	---	---	---	---	---
875	Squid	1.00	0.98	0.69	---	---	---	---	---	---	---	---	---
---	Rockfish	1.00	0.98	0.88	---	---	0.60	0.50	---	---	---	---	---
200	PACIFIC HALIBUT Conversion rates to Net Weight	---	---	0.90	1.0	---	---	---	---	---	---	---	---

Species Code	FMP Species	Product Code											
		15 Pectoral Girdle	16 Heads	17 Cheeks	18 Chins	19 Belly	20 Fillets with Skin & Ribs	21 Fillets with Skin No Ribs	22 Fillets with Ribs No Skin	23 Fillets Skinless Boneless	24 Fillets Deep Skin	30 Surimi	31 Mince
110	Pacific Cod	0.05	---	0.05	---	0.01	0.45	0.35	0.25	0.25	---	0.15	0.5
121	Arrowtooth/Kamchatka	---	---	---	---	---	0.32	0.27	0.27	0.22	---	---	---
122	Flathead Sole	---	---	---	---	---	0.32	0.27	0.27	0.22	---	---	---
123	Rock Sole	---	---	---	---	---	0.32	0.27	0.27	0.22	---	---	---
124	Dover Sole	---	---	---	---	---	0.32	0.27	0.27	0.22	---	---	---
125	Rex Sole	---	---	---	---	---	0.32	0.27	0.27	0.22	---	---	---
127	Yellowfin Sole	---	---	---	---	---	0.32	0.27	0.27	0.22	---	0.18	---
134	Greenland Turbot	---	---	---	---	---	0.32	0.27	0.27	0.22	---	---	---
143	Thornyhead Rockfish	---	0.20	0.05	0.05	0.05	0.40	0.30	0.35	0.25	---	---	---
160	Sculpins	---	---	---	---	---	---	---	---	---	---	---	---
193	Atka Mackerel	---	---	---	---	---	---	---	---	---	---	0.15	---
270	Pollock	---	0.15	---	---	---	0.35	0.30	0.30	0.21	0.16	0.16[1] 0.17[2]	0.22
510	Smelts	---	---	---	---	---	---	0.38	---	---	---	---	---
511	Eulachon	---	---	---	---	---	---	---	---	---	---	---	---
516	Capelin	---	---	---	---	---	---	---	---	---	---	---	---
---	Sharks	---	---	---	---	---	---	0.30	0.30	0.25	---	---	---
---	Skates	---	---	---	---	---	---	---	---	---	---	---	---
710	Sablefish	---	---	0.05	---	---	0.35	0.30	0.30	0.25	---	---	---
870	Octopus	---	---	---	---	---	---	---	---	---	---	---	---
875	Squid	---	---	---	---	---	---	---	---	---	---	---	---
---	Rockfish	---	0.15	0.05	0.05	0.10	0.40	0.30	0.33	0.25	---	---	---
200	PACIFIC HALIBUT Conversion Rates to Net Weight	---	—	—	---	---	---	---	---	---	---	---	---

Species Code	FMP Species	Product Code								
		32 Meal	33 Oil	34 Milt	35 Stomachs	36 Mantles	37 Butterfly Backbone Removed	88, 89 Infested or Decomposed Fish	98, 99 Discards
110	Pacific Cod	0.17	---	---	---	---	0.43	0.00	1.00
121	Arrowtooth/Kamchatka	0.17	---	---	---	---	---	0.00	1.00
122	Flathead Sole	0.17	---	---	---	---	---	0.00	1.00
123	Rock Sole	0.17	---	---	---	---	---	0.00	1.00
124	Dover Sole	0.17	---	---	---	---	---	0.00	1.00
125	Rex Sole	0.17	---	---	---	---	---	0.00	1.00
127	Yellowfin Sole	0.17	---	---	---	---	---	0.00	1.00
134	Greenland Turbot	0.17	---	---	---	---	---	0.00	1.00
143	Thornyhead Rockfish	0.17	---	---	---	---	---	0.00	1.00
160	Sculpins	0.17	---	---	---	---	---	0.00	1.00
193	Atka Mackerel	0.17	---	---	---	---	---	0.00	1.00
270	Pollock	0.17	---	---	---	---	0.43	0.00	1.00
510	Smelts	0.17	---	---	---	---	---	0.00	1.00
511	Eulachon	0.17	---	---	---	---	---	0.00	1.00
516	Capelin	0.17	---	---	---	---	---	0.00	1.00
---	Sharks	0.17	---	---	---	---	---	0.00	1.00
---	Skates	0.17	---	---	---	---	---	0.00	1.00
710	Sablefish	0.17	---	---	---	---	---	0.00	1.00
870	Octopus	0.17	---	---	---	0.85	---	0.00	1.00
875	Squid	0.17	---	---	---	0.75	---	0.00	1.00
---	Rockfish	---	---	---	---	---	---	0.00	1.00
200	PACIFIC HALIBUT Conversion Rates to Net Weight	---	---	---	---	---	---	0.00	0.75

[1]Standard pollock surimi rate during January through June
[2]Standard pollock surimi rate during July through December.

Notes: To obtain round weight of groundfish, divide the product weight of groundfish by the table PRR.
To obtain IFQ net weight of Pacific halibut, multiply the product weight of halibut by the table conversion rate.
To obtain round weight from net weight of Pacific halibut, divide net weight by 0.75 or multiply by 1.33333.

BILLING CODE 3510–22–P

■ 10. Revise Table 10 to part 679 to read as follows:

■ 10. Revise Table 10 to part 679 to read as follows:

Table 10 to Part 679--Gulf of Alaska Retainable Percentages

BASIS SPECIES		INCIDENTAL CATCH SPECIES (for DSR caught on catcher vessels in the SEO, see § 679.20 (j)[6])														
Code	Species	Pollock	Pacific Cod	DW Flat (2)	Rex sole	Flathead Sole	SW Flat (3)	Arrowtooth	Sablefish	Aggregated rockfish[8]	SR/RE ERA (1)	DSR SEO (C/Ps only)[6]	Atka mackerel	Aggregated forage fish[10]	Skates (11)	Other species (7)
110	Pacific cod	20	n/a[9]	20	20	20	20	35	1	5	(1)	10	20	2	20	20
121	Arrowtooth	5	5	20	20	20	20	n/a	1	5	0	0	20	2	20	20
122	Flathead sole	20	20	20	20	n/a	20	35	7	15	7	1	20	2	20	20
125	Rex sole	20	20	20	n/a	20	20	35	7	15	7	1	20	2	20	20
136	Northern rockfish	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
141	Pacific ocean perch	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
143	Thornyhead	20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
152/ 151	Shortraker/ rougheye (1)	20	20	20	20	20	20	35	7	15	n/a	1	20	2	20	20
193	Atka mackerel	20	20	20	20	20	20	35	1	5	(1)	10	n/a	2	20	20
270	Pollock	Na	20	20	20	20	20	35	1	5	(1)	10	20	2	20	20
710	Sablefish	20	20	20	20	20	20	35	n/a	15	7	1	20	2	20	20
Flatfish, deep-water[2]		20	20	n/a	20	20	20	35	7	15	7	1	20	2	20	20
Flatfish, shallow-water[3]		20	20	20	20	20	n/a	35	1	5	(1)	10	20	2	20	20
Rockfish, other (4)		20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
Rockfish, pelagic (5)		20	20	20	20	20	20	35	7	15	7	1	20	2	20	20
Rockfish, DSR-SEO (6)		20	20	20	20	20	20	35	7	15	7	n/a	20	2	20	20
Skates[11]		20	20	20	20	20	20	35	1	5	(1)	10	20	2	n/a	20
Other species (7)		20	20	20	20	20	20	35	1	5	(1)	10	20	2	20	n/a
Aggregated amount of non-groundfish species[12]		20	20	20	20	20	20	35	1	5	(1)	10	20	2	20	20

Notes to Table 10 to Part 679			
1	Shortraker/rougheye rockfish		
		SR/RE	Shortraker rockfish (152)
			Rougheye rockfish (151)
		SR/RE ERA	Shortraker/rougheye rockfish in the Eastern Regulatory Area (ERA).
	Where numerical percentage is not indicated, the retainable percentage of SR/RE is included under Aggregated Rockfish		
2	Deep-water flatfish	Dover sole, Greenland turbot, and deep-sea sole	
3	Shallow-water flatfish	Flatfish not including deep-water flatfish, flathead sole, rex sole, or arrowtooth flounder	
4	Other rockfish	Western Regulatory Area	means slope rockfish and demersal shelf rockfish
		Central Regulatory Area	
		West Yakutat District	
		Southeast Outside District	means slope rockfish
		Slope rockfish	
		S. aurora (aurora)	*S. variegates* (harlequin)
		S. melanostomus (blackgill)	*S. wilsoni* (pygmy)
		S. paucispinis (bocaccio)	*S. babcocki* (redbanded)
		S. goodei (chilipepper)	*S. proriger* (redstripe)
		S. crameri (darkblotch)	*S. zacentrus* (sharpchin)
		S. elongatus (greenstriped)	*S. jordani* (shortbelly)
		In the Eastern GOA only, Slope rockfish also includes *S. polyspinis* (Northern)	
5	Pelagic shelf rockfish	*S. variabilis* (dusky)	*S. entomelas* (widow)
6	Demersal shelf rockfish (DSR)	*S. pinniger* (canary)	*S. maliger* (quillback)
		S. nebulosus (china)	*S. helvomaculatus* (rosethorn)
		S. caurinus (copper)	*S. nigrocinctus* (tiger)
		DSR-SEO = Demersal shelf rockfish in the Southeast Outside District (SEO) (see § 679.7(b)(4) and § 679.20 (j)).	
7	Other species	Sculpins	Octopus
		Sharks	Squid
8	Aggregated rockfish	Means rockfish as defined at § 679.2 except in:	
		Southeast Outside District	where DSR is a separate category for those species marked with a numerical percentage
		Eastern Regulatory Area	where SR/RE is a separate category for those species marked with a numerical percentage

Notes to Table 10 to Part 679			
9	n/a	Not applicable	
10	Aggregated forage fish (all species of the following taxa)		
		Bristlemouths, lightfishes, and anglemouths (family *Gonostomatidae*)	209
		Capelin smelt (family *Osmeridae*)	516
		Deep-sea smelts (family *Bathylagidae*)	773
		Eulachon smelt (family *Osmeridae*)	511
		Gunnels (family *Pholidae*)	207
		Krill (order *Euphausiacea*)	800
		Laternfishes (family *Myctophidae*)	772
		Pacific Sand fish (family *Trichodontidae*)	206
		Pacific Sand lance (family *Ammodytidae*)	774
		Pricklebacks, war-bonnets, eelblennys, cockscombs and Shannys (family *Stichaeidae*)	208
		Surf smelt (family *Osmeridae*)	515
11	Skates Species and Groups		
		Big Skates (*Raja binoculata*)	702
		Longnose Skates (*R. rhina*)	701
		Other Skates (all skates that are not Big Skate or Longnose Skate)	700
12	Aggregated non-groundfish	All legally retained species of fish and shellfish, including IFQ halibut, that are not listed as FMP groundfish in Tables 2a and 2c to this part.	

■ 11. Revise Table 21 to part 679 to read as follows:

TABLE 21 TO PART 679—ELIGIBLE GOA COMMUNITIES, HALIBUT IFQ REGULATORY USE AREAS AND COMMUNITY GOVERNING BODY THAT RECOMMENDS THE COMMUNITY QUOTA ENTITY

Eligible GOA community	Community governing body that recommends the CQE
May use halibut QS only in halibut IFQ regulatory areas 2C, 3A	
Angoon	City of Angoon.
Coffman Cove	City of Coffman Cove.
Craig	City of Craig.
Edna Bay	Edna Bay Community Association.
Elfin Cove	Community of Elfin Cove.
Gustavus	Gustavus Community Association.
Hollis	Hollis Community Council.
Hoonah	City of Hoonah.
Hydaburg	City of Hydaburg.
Kake	City of Kake.
Kasaan	City of Kasaan.
Klawock	City of Klawock.
Metlakatla	Metlakatla Indian Village.
Meyers Chuck	N/A.
Pelican	City of Pelican.
Point Baker	Point Baker Community.
Port Alexander	City of Port Alexander.
Port Protection	Port Protection Community Association.
Tenakee Springs	City of Tenakee Springs.
Thorne Bay	City of Thorne Bay.
Whale Pass	Whale Pass Community Association.
Akhiok	City of Akhiok.
Chenega Bay	Chenega IRA Village.
Chignik	City of Chignik.
Chignik Lagoon	Chignik Lagoon Village Council.
Chignik Lake	Chignik Lake Traditional Council.
Halibut Cove	N/A.
Ivanof Bay	Ivanof Bay Village Council.
Karluk	Native Village of Karluk.
King Cove	City of King Cove.
Larsen Bay	City of Larsen Bay.
Nanwalek	Nanwalek IRA Council.
Old Harbor	City of Old Harbor.
Ouzinkie	City of Ouzinkie.
Perryville	Native Village of Perryville.
Port Graham	Port Graham Village Council.
Port Lions	City of Port Lions.
Sand Point	City of Sand Point.
Seldovia	City of Seldovia.
Tatitlek	Native Village of Tatitlek.
Tyonek	Native Village of Tyonek.
Yakutat	City of Yakutat.

[FR Doc. 2011–16608 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 76, No. 132
Monday, July 11, 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 THE INTERIOR

2 CFR Chapter XIV

25 CFR Chapters I, II, III, V, VI, and VII

30 CFR Chapters II, IV, VII, and XII

36 CFR Chapter I

41 CFR Chapter 114

43 CFR Subtitle A and Chapters I and II

48 CFR Chapter 14

50 CFR Chapters I and IV

[Docket Number; DOI–2011–0001]

Reducing Regulatory Burden; Retrospective Review Under E.O. 13563

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Availability, request for comment.

SUMMARY: The Department of the Interior (DOI) is requesting public comment on its plan to review its significant regulations in response to the President's Executive Order 13563 on Improving Regulation and Regulatory Review. DOI will consider public comments in preparing the final plan for retrospective regulatory review. The purpose of this plan is to help DOI manage the Nation's public lands and national treasures, honor our tribal trust obligations, protect the environment and endangered species, distribute and monitor water resources, and help America become energy independent in ways that are more effective and less burdensome.

DATES: You must submit any comments on or before August 10, 2011.

ADDRESSES: All comments must include ''Comments on DOI's Plan for Retrospective Regulatory Review—Docket Number DOI–2011–0001''. You must submit comments by any of the following methods:

- *Federal eRulemaking portal:* Go to *http://www.regulations.gov*, find Docket DOI–2011–0001, and follow the instructions for submitting your comments electronically.
- *Mail:* Regulatory Review, Office of the Executive Secretariat and Regulatory Affairs, Department of the Interior, 1849 C Street, NW., Mail Stop 7328, Washington, DC 20240.
- *Hand Delivery or Courier:* Regulatory Review, Office of the Executive Secretariat and Regulatory Affairs, Department of the Interior, Room 7311, 1849 C Street, NW., Washington, DC 20240.
- *Fax:* (202) 219–2100.

FOR FURTHER INFORMATION CONTACT: Mark Lawyer, Office of the Secretary, 202–208–3181, *Mark_Lawyer@ios.doi.gov*.

SUPPLEMENTARY INFORMATION: DOI published a notice on February 25, 2011, asking the public for ideas and information as it prepared a preliminary plan for retrospective regulatory review to comply with President Obama's Executive Order 13563, ''Improving Regulation and Regulatory Review.'' DOI received helpful information in response to this request, which it considered in preparing the preliminary plan. DOI published a preliminary plan on May 18, 2011. DOI is now finalizing the plan. The preliminary plan is available on DOI's Open Government Web site at: *http://www.doi.gov/open/regsreview/*. This Web site provides links to the plan, the Department's regulations, and an e-mail in-box at *RegsReview@ios.doi.gov* that interested parties may use to suggest, on an ongoing basis, improvements to DOI's regulations.

Questions for the Public

DOI specifically asks the public to provide comments related to the questions that follow to help the Department finalize the plan to review its significant regulations.

(1) DOI seeks to establish a culture of retrospective review that will produce regulations that accomplish the Department's mission in a way that works best for the American public. Are there any changes to DOI's plan for retrospective regulatory review that would further this goal? DOI encourages those submitting comments to include specific ideas that would improve DOI's process for systematically reviewing its regulations.

(2) DOI has proposed specific rules to review over the next two years. Are there other rules that could benefit from retrospective review in the near future? If so, please specifically identify the rules and suggest ways DOI can streamline, consolidate, or make these regulations work better. Please suggest specific language that would make these rules or guidance more efficient and less burdensome where possible.

(3) Are there ways DOI can better scale its regulations to lessen the burdens imposed on small entities within the existing statutory requirements? Please identify any specific regulations that, under the applicable laws, could exempt small entities or provide more flexible or less burdensome requirements.

(4) Are DOI regulations and guidance written in language that is clear and easy to understand? Please identify specific regulations and guidance that are good candidates for a plain language re-write.

(5) What are some suggestions that DOI can use to assure that its regulations promote its mission in ways that are most efficient and least burdensome?

The Department is issuing this request solely to seek useful information as it finalizes its plan to review its existing significant regulations. While responses to this request do not bind DOI to any further actions related to the response, all submissions will be made available to the public on *http://www.regulations.gov*.

Before including your 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 the public review, we cannot guarantee that we will be able to do so.

Authority: E.O. 13653, 76 FR 3821, Jan. 21, 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

David J. Hayes,

Deputy Secretary.

[FR Doc. 2011–17295 Filed 7–8–11; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF ENERGY

10 CFR Chapters II, III, and X

Notice of Availability of Preliminary Plan for Retrospective Analysis of Existing Rules

AGENCY: Office of the General Counsel, Department of Energy.

ACTION: Notice of availability; request for comment.

SUMMARY: Through this notice, the Department of Energy (DOE) announces the availability of its preliminary plan for retrospective analysis of existing rules to make the agency's regulatory program more effective and less burdensome in achieving its regulatory objectives. As part of its implementation of Executive Order 13563, ''Improving Regulation and Regulatory Review,'' issued by the President on January 18, 2011, DOE sought public comments on whether any of its existing regulations should be modified, streamlined, expanded, or repealed. DOE has considered these comments in the development of its preliminary plan.

DATES: DOE will accept comments, data, and information regarding its EO 13563 Preliminary Plan received no later than August 1, 2011.

ADDRESSES: Interested persons are encouraged to submit comments, identified by ''EO 13563 Preliminary Plan,'' by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

E-mail: Regulatory.Review@hq.doe.gov. Include ''EO 13563 Preliminary Plan'' in the subject line of the message.

Mail: U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue, SW., Room 6A245, Washington, DC 20585.

Copies of the final plan and comments received are available for public inspection at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Public inspection can be conducted between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The preliminary plan and public comments can also be accessed online at *http://www.gc.energy.gov/1705.htm* and at *http://www.regulations.gov/exchange/sites/default/files/doc_files/Department%20of%20Energy_05_18_2011.pdf.*

FOR FURTHER INFORMATION CONTACT: Daniel Cohen, Assistant General Counsel for Legislation, Regulation, and Energy Efficiency, U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue, SW., Washington, DC 20585. *E-mail: Regulatory.Review@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: On January 18, 2011, the President issued Executive Order 13563, ''Improving Regulation and Regulatory Review,'' to ensure that Federal regulations seek more affordable, less intrusive means to achieve policy goals, and that agencies give careful consideration to the benefits and costs of those regulations. Additionally, the Executive Order directs agencies to consider how best to promote retrospective analyses of existing rules. DOE's preliminary plan was issued on April 29, 2011, and posted for public review at *http://www.regulations.gov/exchange/sites/default/files/doc_files/Department%20of%20Energy_05_18_2011.pdf.* DOE now seeks additional comments on its preliminary plan so that it can consider and incorporate further public input in its final plan and ongoing retrospective review process.

In developing its preliminary plan, DOE issued a Request for Information (RFI) seeking public comment on how best to review its existing regulations and to identify whether any of its existing regulations should be modified, streamlined, expanded, or repealed. (76 FR 6123, Feb. 3, 2011) In addition, DOE sought reply comments on the suggestions received in response to the RFI to foster a public dialogue on its retrospective review processes.

DOE received numerous detailed comments in response to its RFI and request for reply comments. These comments, available at *http://www.gc.energy.gov/1705.htm* and summarized below, have informed DOE's development of its preliminary plan and its early regulatory review efforts pursuant to Executive Order 13563. The results of these initial efforts are also described below and in the preliminary plan. DOE is committed to continuing these efforts and to maintaining a consistent culture of retrospective review and analysis of its regulations. As specified in the preliminary plan, DOE will continually engage in review of its rules to determine whether there are burdens on the public that can be avoided by amending or rescinding existing requirements. Because public input plays a significant role in the retrospective review of DOE regulations, DOE also intends to seek public comment on a regular basis as part of this review process.

Comments Received

DOE received seven comments on current DOE certification, compliance, and enforcement rules. Commenters encouraged DOE to allow for voluntary independent certification programs (VICPs) as a way to reduce regulatory burdens (A.O. Smith Corporation, 2; Association of Home Appliance Manufacturers (AHAM), 6; Zero Zone Inc.) or to allow manufacturers to do in-house testing (Zero Zone Inc.). One commenter suggested DOE use the Air-Conditioning Heating and Refrigeration Institute (AHRI) VICP as a model. (Hussmann Corporation, 4). DOE received three comments that the March 2011 final rule on certification, compliance, and enforcement is increasing manufacturer costs and burdens of compliance, including concern about the number of base models required for testing. (A.O. Smith Corporation, 1–2; AHRI, 3; Ingersoll Rand, 1; Zero Zone Inc.). In addition, one comment encouraged DOE to move forward with verification testing and lab accreditation rulemakings (Appliance Standards Awareness Project (ASAP), 3). Another urged DOE to leverage third party verification programs that utilize independent testing laboratories and are developed by industry trade associations in these rulemakings. (AHAM, 6)

DOE received eight comments on the collection of information the commenters believed to be unnecessary or ineffectively used. Related to appliance efficiency standards rulemakings, two comments expressed concern that the discount rate used by DOE for residential and commercial consumers was too low. (Edison Electric Institute (EEI), 5–6; Ingersoll Rand, 2). Another comment suggested that the payback period used by DOE to calculate consumer savings is overly long and does not consider the impact of regulatory changes on the employees of manufacturers and their families. (Ingersoll Rand, 2). In other DOE program areas, two comments expressed concern that certain DOE programs collect information unrelated to and unnecessary for achieving their objectives. (AHRI, 2; Massachusetts Institute of Technology (MIT), 1–2). Another comment encouraged DOE to streamline its reporting databases to improve efficiency and reduce maintenance costs. (Honeywell FM&T, 4). In addition, two commenters encouraged DOE to review the terms and conditions of its federal research agreements. (Council on Governmental Relations (COGR), 3; MIT, 1–2).

Three comments addressed consensus standards. One comment encouraged DOE to develop a formal process for reviewing consensus standards for test procedures as they are developed. (AHRI, 2). Two others encouraged the use of consensus standards developed by interested parties and setting forth energy conservation standards for covered products and commercial equipment, as a way for DOE to meet its energy savings goals while leveraging commercial mechanisms and expertise. (ASAP, 2; AHAM, 2).

One commenter encouraged DOE to develop and publish a timeline for its approval process of import and export authorization of fossil energy to improve certainty. (Cheniere, Inc., 5). The commenter also suggested that intervenors in import and export authorization request proceedings should have to show changed circumstances to reduce uncertainty and delays in these proceedings. (Cheniere, Inc., 4). Another commenter encouraged DOE to limit its use of interpretive rules. (National Association of Home Builders (NAHB), 25–27).

Two commenters addressed using curves in DOE analysis, including learning curves for costs of production and experience curves for equipment price. (ASAP, 3; California Investor Owned Utilities (CAIOU), 4–5).

Two commenters provided suggestions on how to maximize net benefits, including considering factors other than direct economic impact on purchasers when developing standards and balancing competing considerations. (ASAP, 1–2; Ingersoll Rand, 2).

DOE received numerous comments concerning energy conservation standards that the commenters asserted failed to justify the imposed costs or are overly burdensome. Two comments were concerned that the energy conservation standards for residential storage water heaters over 55 gallons will be overly burdensome on consumers and manufacturers. (American Gas Association (AGA), 2; EEI, 2). Two comments addressed energy conservation standards for refrigeration equipment: one commenter suggested the life cycle costs for residential equipment under the new standard will be too high for most consumers (EEI, 4, 7) and another commenter suggested the testing process for commercial equipment could be streamlined and simplified through computer modeling.(Hussmann Corporation, 2). Eight commenters addressed energy conservation standards for direct heating equipment (DHE) as applied to decorative hearth products. (AHRI, 1–2; AGA, 4; Empire Comfort Systems, 1–2; Hearth and Home Technologies, 1–2; Hearth, Patio & Barbecue Association (HPBA), 1–2; Lennox Hearth Products; NAHB, 35; National Propane Gas Association (NPGA), 1–2). DOE notes that it is currently involved in litigation over its standards for decorative hearth heaters. Any retrospective review of these regulations will depend upon the outcome of this litigation. Additionally, one comment suggested that DOE should set appliance energy conservation standards, but allow states to set building standards for new construction, while another encouraged DOE to focus its building programs on existing buildings. (CAIOU, 2–3; NAHB, 31) Another comment suggested DOE reevaluate its performance standards for products assembled on site. (CAIOU, 2).

Three commenters addressed the process by which guidance is communicated. One comment encouraged DOE to streamline the guidance given to stakeholders on products covered by energy conservation standards and test procedures used to measure compliance with those standards. (AHAM, 6–7). Another suggested streamlining of exceptions or additions to DOE orders. (Honeywell FM&T, 4–5). Another comment stressed the importance of transparency in calculating economic and technological justifications. (NAHB, 6, 27).

DOE received six comments regarding coordination and harmonization with agencies, state governments, and industry. Four comments stressed the importance of coordination with other agencies in relevant program areas, such as the Environmental Protection Agency's ENERGY STAR Program, the Federal Trade Commission, and U.S. Customs and Border Protection for the implementation and enforcement of its appliance efficiency program. (A.O. Smith Corporation, 1; AHAM, 6; AHRI, 2; ASAP, 3; Hussmann Corporation, 2–3). Two comments addressed the importance of coordination with industry and other stakeholders to reduce burden. (A.O. Smith Corporation, 1; AHAM, 6). Another comment encouraged DOE to publish its final test procedure for battery charging systems because of its interaction with the proposed standards for these products being considered in California. (AHAM, 4). This commenter also urged DOE to consider industry burden in developing its test procedure for clothes washers (AHAM, 5–6).

DOE received comments on regulations that the commenters claimed are outdated, working well, or not operating as well as expected. One commenter praised the 1996 Process Improvement Rule and encouraged DOE to continue following those procedures rather than the updated procedures set out by DOE in November 2010 and available at *http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/changes_standards_process.pdf.* (EEI, 2, 13–14). Another comment encouraged the continued use of contract H Clauses. (Honeywell FM&T, 5). One comment suggested that DOE update its site specific reporting requirements to reflect policy changes. (Honeywell FM&T, 3). Another comment encouraged DOE to modernize its approach to National Environmental Policy Act (NEPA) rulemaking. (Alton Strategic Environmental Group, 3–9). One comment suggested that certain construction subcontractor regulations were cumbersome. (Honeywell FM&T, 3). Additionally, another encouraged DOE to restructure its state preemption waiver conditions. (CAIOU, 3).

DOE received numerous comments about how to structure a retrospective analysis. Four commenters stressed the need for transparency in retrospective analysis. (CAIOU, 1; Honeywell FM&T, 2; Ingersoll Rand, 2–3; Institute for Policy Integrity, NYU School of Law, 9). Five commenters encouraged DOE to consider the real world impact of regulations over relying on modeling and assumptions. (ASAP, 1; EEI, 12–13; Ingersoll Rand, 2; Institute for Policy Integrity, NYU School of Law, 7–8; NAHB; 13–14). Four commenters also encouraged DOE to do an initial review of existing regulations to prioritize regulations for which revision will have the biggest impact. (AGA, 5–6; AHAM, 5; Institute for Policy Integrity, NYU School of Law, 5–6; NAHB, 16–19). Another comment encouraged DOE to revisit previous decisions denying petitions for regulation to see if regulation may now be warranted. (Institute for Policy Integrity, NYU School of Law, 3). One comment suggested DOE publish a monthly schedule on current rulemaking. (CAIOU, 4).

DOE received comments on information and data about the costs, burdens, and benefits of existing regulations. One commenter encouraged DOE to evaluate the value of continuous efficiency improvement in industry. (Honeywell FM&T, 5). Another commenter encouraged DOE to evaluate its cost sharing and contracts programs. (COGR, 4–5). One commenter also encouraged DOE to revise its consideration of climate variations for energy conservation standards, which can affect payback. (CAIOU, 4). Two

commenters addressed the full-fuel-cycle analysis of energy consumption. (AGA, 5; EEI, 4–5, 7).

DOE received comments on unnecessarily complicated regulations, reporting requirements, or regulatory processes other than the certification reporting requirements discussed previously. Three commenters suggested DOE streamline and simplify its various reporting requirements. (COGR, 3; Honeywell FM&T, 4; MIT, 2).

Early Retrospective Review Results

Although DOE's implementation of Executive Order 13563 has only just begun, as a result of public input and its own internal analysis, DOE has already accomplished or proposed a number of significant changes in retrospective review of specific regulations:

1. In response to industry concerns that a new energy-efficiency rule would cost as much as $500 million to implement and would significantly interrupt industry research and development efforts, DOE has proposed an 18-month extension of that rule.

2. DOE has issued a notice of proposed rulemaking considering the use alternative efficiency determination methods (AEDMs), such as computer modeling, to reduce testing burden and eliminate many millions of dollars of testing costs. This effort is particularly significant as industry has suggested that testing under the current rule could take several years to complete and undermine their research and development efforts.

3. DOE has issued a proposed rule to amend its existing NEPA regulations. The changes, proposed primarily for the categorical exclusions provisions, are intended to better align DOE's categorical exclusions with current activities and recent experiences, and to update the provisions with respect to current technologies and regulatory requirements. DOE believes the changes made by this rulemaking could save the taxpayers as much as $100 million over ten years and provide greater transparency to the public as to the NEPA standards that DOE employs in analyzing particular technologies.

4. DOE is undertaking a series of initiatives to reduce paperwork burdens on recipients of financial assistance. DOE expects these initiatives to result in more than a 90% reduction—a reduction of over 270,000 hours—in the paperwork burden imposed on recipients of DOE's financial assistance.

5. DOE has sought public input on the potential uses of computer simulations to further reduce testing costs and burdens relating to efficiency certifications.

6. After receiving public comment on a draft interpretive rule, DOE issued enforcement guidance to explain how DOE intends to enforce existing water conservation standards for showerheads. DOE also provided an enforcement grace period of two years to allow such manufacturers to sell any remaining non-compliant products. DOE changed course in order to enforce the existing standards in a manner that avoids needless economic dislocation that some industry representatives estimated at $400 million.

7. DOE has issued a proposed rule to standardize procedures for the submission and protection of trade secrets and privileged or confidential commercial or financial information.

8. DOE is considering revisions to its regulation concerning sales from the Strategic Petroleum Reserve, to streamline the process for periodic review and publication of the standard contract provisions.

9. DOE has published a test procedure for fluorescent lamp ballasts that reduces testing burdens by adopting a metric suggested by public comment. The revised procedure is anticipated to reduce testing time, and therefore laboratory testing costs, by 50 percent.

Request for Further Public Input

DOE seeks input on its preliminary retrospective review plan, which sets forth its intended process for regulatory review pursuant to Executive Order 13563. The preliminary plan and comments received to date are available at *http://www.gc.energy.gov/1705.htm.* DOE welcomes further comments submitted by August 1, 2011. See the **ADDRESSES** section for further information on how to submit comments.

Issued in Washington, DC, on June 30, 2011.

Sean A. Lev,

Acting General Counsel.

[FR Doc. 2011–17012 Filed 7–8–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 139

[Docket No. FAA–2010–0247; Notice No. 11–01]

RIN 2120–AJ70

Safety Enhancements Part 139, Certification of Airports; Reopening of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); Reopening of comment period.

SUMMARY: This action reopens the comment period for an NPRM that was published on February 1, 2011. In that document, the FAA proposed several safety enhancements for airports. Recently, regulations.gov had a software upgrade which resulted in documents previously submitted to the docket that were not accessible as a result of the upgrade. This action reopens the comment period to allow the public additional time to review the initial regulatory evaluation.

DATES: The comment period for the NPRM published on February 1, 2011 (76 FR 5510) and reopened (76 FR 20570) April 13, 2011, is reopened again until July 26, 2011.

ADDRESSES: You may send comments identified by docket number FAA–2010–0247 using any of the following methods:

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

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov*, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the

individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kenneth Langert, AAS–300, Office of Airports Safety and Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–493–4529; e-mail *Kenneth.langert@faa.gov.*

SUPPLEMENTARY INFORMATION: See the ''Additional Information'' section for information on how to comment on this proposal and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket, privacy, and the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

Background

On February 1, 2011, the FAA issued Notice No. 11–01, entitled ''Safety Enhancements Part 139, Certification of Airports'' (76 FR 5510). The comment period closed on April 4, 2011. On April 13, 2011, the FAA reopened the comment period for 30 days to allow additional opportunity to comment on the NPRM (76 FR 20570). The comment period then closed on May 13, 2011.

During the comment period, several commenters stated the FAA's economic evaluation for this proposed rule was not available for review and comment. That document was placed in the docket and the comment period was again reopened to allow additional time to comment on the NPRM (76 FR 32106).

On June 11, 2011, the Federal Docket Management System (FDMS.gov) version 3.5 was released and implemented. Shortly thereafter, we realized the new release had resulted in several (but not all) documents previously submitted to the docket were not accessible. Unfortunately, the regulatory evaluation for this rulemaking was one of those documents. That document is now accessible. The FAA believes additional time should be allowed to comment on the regulatory document commensurate with the amount of time the document was not accessible.

Reopening of Comment Period

In accordance with § 11.47(c) of title 14, Code of Federal Regulations, the FAA has determined that re-opening of the comment period is consistent with the public interest, and that good cause exists for taking this action. Absent unusual circumstances, the FAA does not anticipate any further extension of the comment period for this rulemaking.

Accordingly, the comment period for Notice No. 11–1 is reopened until July 26, 2011.

Additional Information

A. Comments Invited

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

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

Proprietary or Confidential Business Information: Do not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD ROM, mark the outside of the disk or CD ROM, and identify electronically within the disk or CD ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

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

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

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

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

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

Issued in Washington, DC, on July 1, 2011.

Dennis R. Pratte,

Acting Director, Office of Rulemaking.

[FR Doc. 2011–17293 Filed 7–8–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SATS No. IN–160–FOR; Docket ID: OSM–2011–0008]

Indiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement

(OSM), are announcing receipt of a proposed amendment to the Indiana regulatory program (Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Indiana proposes revisions to its ownership/control provisions and miscellaneous adjustments to other regulations. Indiana proposes these revisions to be consistent with the corresponding Federal regulations, to clarify ambiguities, and to improve operational efficiency.

This document provides the times and locations that the Indiana program and proposed amendments to this program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., c.d.t., August 10, 2011. If requested, we will hold a public hearing on the amendment on August 5, 2011. We will accept requests to speak at a hearing until 4 p.m., c.d.t. on July 26, 2011.

ADDRESSES: You may submit comments, identified by SATS No. IN–160–FOR, by any of the following methods:

- *E-mail: agilmore@osmre.gov* and include SATS No. IN–160–FOR in the subject line of the message.
- *Mail/Hand Delivery:* Andrew R. Gilmore, Chief, Alton Field Division Indianapolis Area Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 236, Indianapolis, Indiana 46204.
- *Fax:* (317) 226–6182.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID: OSM–2011–0008. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Indiana regulations, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Alton Field Division; or you can view the full text of the program amendment available for you to read at *http://www.regulations.gov.*

Andrew R. Gilmore, Chief, Alton Field Division Indianapolis Area Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 236, Indianapolis, Indiana 46204, Telephone: (317) 226–6700, E-mail: *agilmore@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location: Division of Reclamation, Indiana Department of Natural Resources, R.R. #2, Box 129, Jasonville, IN 47438.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Chief, Alton Field Division-Indianapolis Area Office. Telephone: (317) 226–6700. E-mail: *agilmore@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior (Secretary) conditionally approved the Indiana program effective July 29, 1982. You can find background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Indiana program in the July 26, 1982, **Federal Register** (47 FR 32071). You can also find later actions concerning the Indiana program and program amendments at 30 CFR 914.10, 914.15, 914.16, and 914.17.

II. Description of the Proposed Amendment

By letter dated May 25, 2011, (Administrative Record No. IND–1756), Indiana sent us amendments to its Program under SMCRA (30 U.S.C. 1201 *et seq.*) to satisfy ownership and control requirements and to make miscellaneous revisions to other regulations. Below is a summary of the changes proposed by Indiana. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

A. 312 IAC 25–1–10.5 Applicant/Violator System; 312 IAC 25–1–32.5 Control or Controller; 312 IAC 25–1–51.5 Federal Office of Surface Mining Applicant/Violator System Office; and 312 IAC 25–1–75.1 Knowing or Knowingly

Indiana proposes to add new definitions in these sections. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

B. 312 IAC 25–1–48 Excess Spoil

Indiana proposes to amend this definition in this section. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *www.regulations.gov.*

C. 312 IAC 25–4–18 Surface Mining Permit Applications; Compliance Information and 312 IAC 25–4–59 Underground Mining Permit Applications; Compliance Information

Indiana proposes to amend these sections to require compliance history reports from the applicant/violator system for both surface and underground mining. The amendment also specifies how Indiana will utilize compliance information received from the permittee and adds the ''operator'' to the list of entities that must submit compliance information. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

D. 312 IAC 25–4–115.1 Post Permit Issuance Information Requirements

Indiana proposes to add this section to require timely notice of changes of owners and controlers by the permittee. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

E. 312 IAC 25–4–122.1 Review of Director's Ownership or Control Listing or Finding

Indiana proposes to add this section to provide provisions for challenging an ownership/control determination. The full text of the program amendment is available for you to read at the locations

listed above under **ADDRESSES** or at *http://www.regulations.gov.*

F. 312 IAC 25–4–122.2 Burden of Proof for Ownership or Control Challenges

Indiana proposes to add this section to outline evidence necessary for submission by the permittee during ownership/control challenges. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

G. 312 IAC 25–4–122.3 Written Agency Decision on Challenges to Ownership or Control

Indiana proposes to add this section to outline duties of the Department as a result of an ownership/control challenge. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

H. 312 IAC 25–4–127 Permit Reviews; Revisions, Renewals, and Transfer, Sale, or Assignment of Rights Granted Under Permits; Permit Revisions

Indiana proposes to amend this section to clarify various requirements for permit revisions including adding definitions and requirements for significant revisions, non-significant revisions and minor field revisions. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

I. 312 IAC 25–5–7 Period of Liability

Indiana proposes to amend this section to provide clarity concerning the period of liability for alternative postmine land uses beyond the control of the permittee. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

J. 312 IAC 25–5–16 Performance Bond Release; Requirements

Indiana proposes to amend this section to clarify requirements for informal conferences and public hearings associated with bond release. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

K. 312 IAC 25–6–59 Surface Mining; Revegetation; Standards for Success for Nonprime Farmland

Indiana proposes to amend this section to provide for alternative stocking rates for specific forest reclamation approaches. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

L. 312 IAC 25–6–93 Underground Mining; Explosives; General Requirements

Indiana proposes to amend this section to clarify applicability of blasting regulations for construction of slopes and shafts at underground coal mines. The full text of the program amendment is available for your review at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

M. 312 IAC 25–6–94 Underground Mining; Explosives; Preblasting Survey

Indiana proposes to amend this section for the purpose of mirroring requirements for preblast surveys at underground mines with that of the surface mine preblast survey provisions at 312 IAC 25–6–30 Surface mining; explosives; general requirements. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

N. 312 IAC 25–6–95 Underground Mining; Explosives; Publication of Blasting Schedule

Indiana proposes to amend this section concerning publication and approval of blasting schedules and to mirror the requirements of the surface mine blasting provisions at *312 IAC 25–6–31* Surface mining; explosives; publication of blasting schedule. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

O. 312 IAC 25–7–5 State Enforcement; Cessation Orders

Indiana proposes to amend this section in regard to stays of a cessation order and to provide information concerning rights to appeal of determinations made under this regulation. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

P. 312 IAC 25–4–23 Surface Mining Permit Applications; Identification of Other Safety and Environmental Licenses and Permits, and 312 IAC 25–4–64 Underground Mining Permit Application; Legal and Financial Information; Identification of Other Licenses and Permits

Indiana proposes to repeal these sections because the Federal counterpart regulations have been repealed. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *http://www.regulations.gov.*

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether Indiana's proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of Indiana's State Program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., c.d.t. on July 26, 2011. If you are disabled and need reasonable

accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public. If possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSM for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 1, 2011.

William L. Joseph,

Acting Regional Director, Mid-Continent Region.

[FR Doc. 2011–17297 Filed 7–8–11; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0544; FRL–9434–9]

Approval and Promulgation of Implementation Plans; California Air Resources Board—In-Use Heavy-Duty Diesel-Fueled Truck and Bus Regulation, Drayage Truck Regulation and Ocean-Going Vessels Clean Fuels Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) that EPA expects to be submitted by the California Air Resources Board (CARB or Board). These revisions concern three regulations that reduce emissions of diesel particulate matter (PM), oxides of nitrogen (NO_X), sulfur dioxide (SO_2) and other pollutants from in-use, heavy-duty diesel-fueled trucks and buses and from ocean-going vessels (OGV) operating within California jurisdiction. This proposed approval is based on proposed regulations submitted by CARB and an accompanying request to proceed with SIP review while the State completes its public review and agency adoption process. EPA will not take final action on the regulations until California submits the final adopted versions to EPA as a revision to the California SIP. Final EPA approval of the regulations and incorporation of them into the California SIP would make them federally enforceable. We are providing a 30-day comment period for today's proposal.

DATES: Any comments must arrive by August 10, 2011.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2011–0544, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *E-mail: R9truck_dray_OGVcomments*

3. *Mail or deliver:* Roxanne Johnson (Air U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or e-mail. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Roxanne Johnson, EPA Region IX, (415) 947–4150, *johnson.roxanne@epa.gov.*

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

Table of Contents

I. The State's Submittal

A. What regulations did the State submit?

By letters dated May 11 and May 19, 2011, CARB submitted to EPA three proposed regulations, with requests for parallel processing.[1, 2] See May 11, and May 19, 2011 letters to Jared Blumenfeld, Regional Administrator, EPA Region 9, from James N. Goldstene, Executive Officer, CARB.

Table 1 below, lists the regulations addressed by this proposal. These regulations include: (1) Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles (''Truck and Bus Regulation''); (2) In-Use On-road Diesel-Fueled Heavy-Duty Drayage Trucks (''Drayage Truck Regulation''); and (3) Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline (''OGV Clean Fuels Regulation'').

TABLE 1—REGULATIONS SUBMITTED BY CALIFORNIA FOR PARALLEL PROCESSING

California Code of Regulations (CCR), title 13, section No.	Regulation title
Section 2025	Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles.
Section 2027	In-Use On-road Diesel-Fueled Heavy-Duty Drayage Trucks.
Section 2299.2[3]	Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline.

CARB's May 11, 2011 parallel processing request includes the CARB notice of public hearing, held on June 23, 2011 and the CARB Staff Report, ''Initial Statement of Reasons for Proposed Rulemaking: Proposed Amendments to the Regulations 'Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline,' '' May 2011. The proposed OGV Clean Fuels Regulation was submitted as appendix A to the CARB Staff Report, but since the version in appendix A only includes the subsections of the regulation that are proposed for amendment, and not the unchanged subsections, we have also reviewed the original regulation approved in 2008 together with the proposed amendments.

CARB's May 19, 2011 parallel processing request includes CARB's notice of public availability of the proposed Truck and Bus Regulation and proposed Drayage Truck Regulation and the initiation of a 15-day comment period. CARB's 15-day notice refers to two attachments, one of which shows the most recent modifications to the Truck and Bus Regulation and the second of which shows the most recent modifications to the Drayage Truck Regulation. Herein, we refer to these versions of the regulations as ''proposed regulations.'' The versions of the regulations referred to in the 15-day notice as ''attachment 1'' and ''attachment 2'' are the versions of the regulations that we have evaluated herein. CARB's May 19, 2011 request also includes: Two resolutions dated December 17, 2010 through which CARB approved amendments [to the Truck and Bus Regulation and Drayage Truck Regulation] for adoption by the CARB Executive Officer (EO) once he makes further modifications to the regulations consistent with the resolutions, and the CARB staff report, ''Initial Statement of Reasons for Proposed Rulemaking: Proposed Amendments to the Truck and Bus Regulations, the Drayage Truck Regulation, the Tractor-Trailer Greenhouse Gas Regulation,'' October 2010.

EPA is granting CARB's request that EPA ''parallel process'' our review and propose action on the three regulations. All of the relevant documents are available for review in the docket for today's proposed rulemaking.

B. Are there other versions of these regulations?

The Truck and Bus Regulation was initially approved by CARB in December 2008 and became effective (for State law purposes) in January 2010. In December 2010, CARB adopted Resolution 10–44 after considering amendments to the Truck and Bus Regulation as initially proposed by CARB staff and covered by the Notice of Public Hearing (''45-day Public Notice'') and Staff Report, which were initially published on October 19, 2010, and staff's suggested modifications to the proposed amendments, which were made in response to comments received before the CARB public hearing regarding staff's initial proposal. CARB directed staff to modify the initially proposed amendments consistent with the suggested modifications and CARB's findings as set forth in the resolution. Resolution 10–44 further directed the CARB EO to make the modifications to

[1] Under EPA's ''parallel processing'' procedure, EPA proposes rulemaking action concurrently with the State's proposed rulemaking. If the State's proposed rule is changed, EPA will evaluate that subsequent change and may publish another notice of proposed rulemaking. If no significant change is made, EPA will publish a final rulemaking on the rule after responding to any submitted comments. Final rulemaking action by EPA will occur only after the rule has been fully adopted by California and submitted formally to EPA for incorporation into the SIP. See 40 CFR part 51, appendix V.

[2] Technically, the versions of the regulations submitted to EPA by CARB for parallel processing, and evaluated herein, represent proposed modifications and amendments to regulations previously adopted by CARB, but because the previously-adopted regulations were not submitted for incorporation into the SIP, i.e., the regulations would be new to the SIP, we refer to them as ''proposed regulations'' rather than ''proposed amendments'' or ''proposed modifications'' in this document. To be clear, the versions of the truck, bus, and drayage truck regulations that we have evaluated herein are the versions released for public comment on May 19, 2011, and the version of the ocean-going vessel regulation that we have evaluated herein is the version released for public comment on April 26, 2011.

[3] In addition to the proposed version of 13 CCR section 2299.2, CARB also submitted the proposed version of 17 CCR section 93118.2. The two regulations are fundamentally identical and reflect the authorities granted to CARB in the California Health and Safety Code to regulate marine vessel emissions (section 2299.2, title 13, CCR) and to regulate sources of toxic air contaminants (section 93118.2, title 17, CCR). We see no need for both regulations to be approved into the SIP and propose to approve only the title 13 regulation into the California SIP.

the initially proposed amendments to the Truck and Bus Regulation available for public comment for a period of 15 days, and to take final action to adopt the proposed amendments, as modified in the publicly noticed 15-day changes, or return to the CARB Board for further consideration. The version of the regulation that is subject to CARB's 15-day notice is the one we evaluate herein for eventual approval into the California SIP. CARB's 15-day public comment period ended June 3, 2011.

The Drayage Truck Regulation was initially approved by CARB in December 2007 and became effective (for State law purposes) in December 2008. In December 2010, CARB adopted Resolution 10–45 after considering amendments to the Drayage Truck Regulation initially proposed by CARB staff and covered by the 45-Day Public Notice and Staff Report, and directed that the proposed amendments be modified consistent with the CARB Board's findings therein and following the process outlined above for final adoption of amendments to the Truck and Bus Regulation. The version of the regulation that is subject to CARB's 15-day notice, which covers both the Truck and Bus Regulation and the Drayage Truck Regulation, is the one we evaluate herein for eventual approval into the California SIP.

The OGV Clean Fuels Regulation was initially approved by CARB in July 2008 and became effective (for State law purposes) in July 2009. On May 4, 2011, CARB published a 45-day notice opening a public comment period and making available proposed amendments to the regulation. A public hearing for the CARB Board to consider adoption of the amendments was held on June 23, 2011. Following the public hearing on June 23, 2011, the CARB Board adopted a resolution that directs the CARB Executive Officer to take final action to adopt the amendments that were the subject of the 45-day notice in a manner consistent with the requirements of the California Environmental Quality Act, and to further modify the OGV Clean Fuels Regulation to reduce the ''Phase 1'' sulfur content limit for marine gas oil from 1.5% to 1.0% beginning on August 1, 2012, subject to an additional 15-day notice to allow for public comment on the further modifications. The original regulation, along with the proposed amendments that was the subject of CARB's 45-day notice, is the version we evaluate herein for eventual approval into the California SIP. For evaluative purposes herein, we also recognize the CARB Board's action on June 23, 2011 to direct the CARB Executive Officer to modify the regulation to reduce the ''Phase 1'' sulfur content limit for marine gas oil from 1.5% to 1.0% beginning on August 1, 2012, as set forth in attachment B to CARB's proposed Resolution 11–25 dated June 23, 2011.

As described above, there are previous versions of the three regulations, but none of the previous versions were submitted to EPA for incorporation into the SIP. For a more detailed discussion of CARB's adoption process for these regulations and a discussion of the previous versions of these regulations adopted by the State but not submitted to EPA, please see the documentation submitted by CARB, included in the docket for today's rulemaking.

C. What is the purpose of the submitted regulations?

The purpose of the three regulations is to reduce NO_X, SO_2 and PM emissions from in-use heavy-duty diesel-fueled trucks and buses, drayage trucks, ocean-going vessels (OGV), and to meet CAA requirements. NO_X is a precursor responsible for the formation of ozone, and NO_X and SO_2 are precursors for fine particulate matter ($PM_{2.5}$).[4] At elevated levels, ozone and $PM_{2.5}$ harm human health and the environment by contributing to premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems.

California has a number of nonattainment areas for the National Ambient Air Quality Standards (NAAQS) for ozone and $PM_{2.5}$, and the CAA requires states to submit SIP revisions that ensure reasonable further progress and that demonstrate attainment of the NAAQS within such areas. *See, generally,* part D of title I of the CAA. Reductions from these regulations play a critical role in assuring that areas such as the South Coast Air Basin and the San Joaquin Valley Air Basin meet the NAAQS for ozone and $PM_{2.5}$.

D. What requirements do the regulations establish?

Truck and Bus Regulation

CARB's Truck and Bus Regulation (i.e., 13 CCR section 2025) requires fleet (defined as one or more vehicles) owners to upgrade their vehicles to meet specific performance standards for NO_X and PM. The regulation applies to diesel-fueled trucks and buses that are privately owned, federally owned, and to publicly and privately owned school buses, that have a manufacturer's gross vehicle weight rating (GVWR) greater than 14,000 pounds (lbs). (Local and state government owned diesel-fueled trucks are already subject to other CARB regulations.) Nearly all of the vehicles affected by the regulation are on-road vehicles, but the regulation also applies to yard trucks with off-road engines used for agricultural operations and two-engine street sweepers with such engines. The regulation exempts certain categories of trucks and buses, many of which, such as drayage trucks, are subject to different CARB regulations.

Key concepts used in the Truck and Bus Regulation include ''2010 Model Year Emissions Equivalent Engine,'' ''PM BACT,'' and ''Verified Diesel Emission Control Strategy'' (VDECS). As set forth in 13 CCR section 2025(d)(3), ''2010 Model Year Emissions Equivalent Engine'' means emissions from: (A) An engine certified to the 2004 through 2006 model year (MY) heavy-duty diesel engine emissions standard that is equipped with the highest level VDECS and that reduces NO_X emissions by at least 85%; (B) An engine that was built to the 2004 engine emission standard and was not used in any manufacturer's averaging, banking, or trading program that is equipped with the highest level VDECS and that reduces NO_X exhaust emissions by at least 85%; (C) An engine certified to the 2007 MY heavy-duty diesel engine emissions standard that meets PM BACT and that reduces NOx exhaust emissions by more than 70%; (D) An engine certified to the 2010 MY or newer heavy-duty certified to the 2010 MY or newer heavy-duty diesel engine emissions standard that meets PM BACT; (E) A heavy-duty engine certified to 0.2 grams per brake-horsepower-hour (g/bhp-hr) or less NO_X emissions level and 0.01 g/bhp-hr or less PM emissions level; or (F) An off-road engine certified Tier 4 engine emissions standard.

''PM BACT'' means the technology employed on the highest level VDECS for PM or an engine that is equipped with an original equipment manufacturer (OEM) diesel particulate filter and certified to meet the 0.01 g/bhp-hr certification standard. See 13 CCR section 2025(d)(48). ''Verified Diesel Emission Control Strategy'' (VDECS) means an emission control strategy, designed primarily for the reduction of diesel PM emissions, which has been verified pursuant to the Verification Procedures. VDECS can be

[4] SO_2 belongs to a family of compounds referred to as sulfur oxide (SO_X). $PM_{2.5}$ precursors include SO_2, NO_X, volatile organic compounds, and ammonia. See 40 CFR 51.1000. CARB generally uses the term, sulfur oxides (SO_X); herein, we use SO_2 to refer to the same pollutant type.

verified to achieve Level 1 diesel PM reductions (25%), Level 2 diesel PM reduction (50%), or Level 3 diesel PM reductions (85%). VDECS may also be verified to achieve NO_X reductions. See 13 CCR section 2025(d) (60).

The basic requirements of the regulation are set forth in subsections (e), (f), and (g). Under these subsections, different sets of requirements are established for subject vehicles with a GVWR 26,000 lbs or less [subsection (f)] and subject vehicles with a GVWR greater than 26,000 lbs [subsection (g)]. Under subsection (f), with certain exceptions, subject vehicles with a GVWR 26,000 lbs or less must, starting January 1, 2015, be equipped with a ''2010 model year emissions equivalent engine'' pursuant to the schedule shown in table 2. School buses, that otherwise would be subject to subsection (f), are subject to a different set of requirements in subsection (k). Under subsection (k), with certain exceptions, all school buses must comply with PM BACT by 2014.

TABLE 2—COMPLIANCE SCHEDULE UNDER SECTION 2025(f) BY ENGINE MODEL YEAR FOR LIGHTER HEAVY-DUTY TRUCKS

Existing engine model year	Compliance date as of January 1	Requirement
1995 and older	2015	2010 model year emission equivalent.
1996	2016	
1997	2017	
1998	2018	
1999	2019	
2003 and older	2020	
2004–2006	2021	
All engines	2023	

Under subsection (g), with certain exceptions, subject vehicles with a GVWR more than 26,000 lbs must, starting January 1, 2012, meet the PM Best Available Control Technology (BACT) requirement and must upgrade to a 2010 MY emissions equivalent engine pursuant to the schedule shown in table 3. Fleets with vehicles otherwise subject to subsection (g) may opt for a different phase-in compliance schedule for PM BACT but must comply with section 2025(g) by 2023. See 13 CCR section 2025, subsections (h) (''Small Fleet Compliance Option'') and (i)(''Phase-in Option'').

TABLE 3—COMPLIANCE SCHEDULE UNDER SECTION 2025(G) BY ENGINE MODEL YEAR FOR HEAVIER HEAVY-DUTY TRUCKS

Engine model year	Compliance date install PM filter by January 1	Compliance date 2010 engine by January 1
1993 and older	No Requirement	2015
1994–1995	No Requirement	2016
1996–1999	2012	2020
2000–2004	2013	2021
2005–2006	2014	2022
2007 or newer	2014 if not OEM equipped	2023

Section 2025(j) allows credits for early PM retrofits, fleets that have downsized, early addition of newer vehicles, hybrid vehicles, alternative fueled vehicles and vehicles with heavy-duty pilot ignition engines that can allow delayed requirements for other heavier trucks in the fleet. Fleet owners are required to meet the reporting and record keeping requirements of subsections (r) and (s). Credits are not transferrable except with appropriate documentation of a change of business form approved by the EO.

Subsection (l) provides requirements for drayage trucks and utility vehicles. Drayage trucks subject to the Drayage Truck Regulation may be included in the fleet to comply with the requirements of the Truck and Bus Regulation only if all drayage trucks are included. Starting January 1, 2023, all drayage truck owners must comply with the requirements summarized above in tables 2 and 3. Drayage trucks may not utilize any of the credits in subsection (j) or exemptions and extensions in subsection (p). Starting January 1, 2021, all private utility vehicle owners must comply with the requirements summarized above in tables 2 and 3.

Subsection (m) provides exemptions for agricultural fleets that meet the conditions of this subsection and remain below annual mileage limits specified therein. Starting January 1, 2017, all agricultural vehicles that have exceeded 10,000 miles in any calendar year since January 1, 2011, must comply with the requirements summarized above in tables 2 and 3. This subsection includes a provision, which allows the CARB EO to exempt vehicles as specialty agricultural vehicles as long as the vehicles meet the requirements of the subsection and the EO does not exceed the caps for the number of such vehicles in the San Joaquin Valley and Statewide. This section also provides an optional phase-in for log trucks. Starting January 1, 2014, 10 percent of the total log truck fleet must comply with 2010 MY emissions or equivalent, and by January 1, 2023, 100 percent of the fleet must be 2010 MY emissions equivalent.

Subsection (p) provides for exemptions, delays, and extensions. The categories of vehicles that may qualify for relief under subsection (p) include vehicles used exclusively in NO_X exempt areas (which include no counties within the South Coast Air Basin or San Joaquin Valley), low-mileage construction trucks, unique vehicles, low-use vehicles, vehicles operating with a three-day pass, vehicles awaiting sale, and vehicles used solely on San Nicholas or San Clemente Islands. Extensions in compliance deadlines are also provided

for in subsection (p) for emission control device manufacturer delays or unavailability of highest level VDECS.

Subsection (r) includes detailed reporting requirements. Generally, the reporting requirements apply to owners who have elected to use the compliance options or credits provided for in the regulation or who rely on the special provisions in the regulation, such as those for agricultural provisions, street sweeper provisions, NO_X exempt areas, and low-mileage construction trucks. Subsection (s) sets forth the record keeping requirements of the regulation, subsection (t) requires vehicle owners to make records available to CARB, and subsection (u) establishes record retention requirements.

Subsections (v) through (z) include provisions that support compliance and enforcement of the regulation by, for example, establishing a right of entry for CARB agents [subsection (v)] and by requiring sellers to provide a specific disclosure concerning the regulation to buyers [subsection (w)]. Subsection (z) establishes the penalties for non-compliance. Under this subsection, any person who fails to comply with the Truck and Bus Regulation may be subject to civil or criminal penalties under the California Health and Safety Code sections 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, and 43016.

Drayage Truck Regulation

CARB's Drayage Truck Regulation (13 CCR section 2027) applies to owners and operators of certain in-use, on-road, diesel-fueled, heavy-duty drayage vehicles with a GVWR greater than 26,000 pounds defined as ''drayage trucks.'' Drayage trucks are those that are used for transporting cargo, such as containerized, bulk, or break-bulk goods and that operate on or transgress through port or intermodal rail yard property for the purpose of loading, unloading or transporting cargo, including transporting empty containers and chassis; or that operate off port or intermodal railyard property transporting cargo or empty containers or chassis that originated from or is destined to a port or intermodal rail yard property. The regulation also applies to owner and operators of motor carriers that dispatch drayage trucks that operate in California, marine or port terminals, intermodal rail yards, and rail yard and port authorities. Owners and operators are subject to the Drayage Truck Regulation through December 31, 2022. Starting January 1, 2023, drayage trucks will be subject to the Truck and Bus Regulation.

Section 2027(d) of the Drayage Truck Regulation includes the requirements and compliance deadlines, grouped into two phases. Phase 1 of the regulation [section 2027(d)(1)] required that, by December 31, 2009, all drayage trucks with a GVWR greater than 33,000 pounds to be equipped with a 1994–2003 MY engine certified standards to California or federal emission standards and a level 3 VDECS for PM emissions; or, 2004 or newer MY engine certified to California or federal emission standards. Drayage trucks with GVWR greater than 33,000 pounds but with 2004 or 2005 engines are allowed extra time to be equipped with a level 3 VDECS (by January 1, 2012 for subject vehicles with MY 2004 engines and by January 1, 2013 for vehicles with MY 2005 engines). Under Phase 1, by January 1, 2012, all drayage trucks with a GVWR of 26,001 lbs to 33,000 pounds must be equipped with a level 3 VDECS for PM emissions. Phase 2 [section 2027(d)(2)] requires all drayage trucks to be equipped with a 1994 or newer MY engine that meets or exceeds 2007 MY California or federal emissions standards.

Drayage truck owners must register with the CARB Drayage Truck Registry, a database that contains information on all trucks that conduct business at California ports and intermodal rail yards. See section 2027(e). Sections 2027(d)(3), (4), (5) and (6) include additional requirements for drayage truck owners, drayage truck operators, motor carriers and marine or port terminals and intermodal rail yards, to ensure that the various parties coordinate their activities to ensure compliance with the emissions standards and compliance deadlines in Phases 1 and 2.

The Drayage Truck Regulation provides for the same types of penalties for non-compliance as described above for the Truck and Bus Regulation. Sections 2027(h) (''Right of Entry'') and 2027(i) (''Enforcement'') authorize and support efforts by CARB and other officials to ensure compliance with the regulation. Section 2023(j) is a sunset clause that provides that, starting January 2, 2023, drayage truck would no longer be subject to the provisions of the Drayage Truck Regulation but rather would be subject to the provisions of the Truck and Bus Regulation in 13 CCR section 2025.

OGV Clean Fuels Regulation

CARB's OGV Clean Fuels Regulation (13 CCR section 2299.2) requires the use of low sulfur marine distillate fuels (instead of heavy fuel oil) to reduce PM, NO_X, and SO_2 emissions from the use of auxiliary diesel and diesel-electric engines, main propulsion engines, and auxiliary boilers on ocean-going vessels (OGVs). The regulation applies to owners and operators of OGVs that operate in any of the Regulated California Waters, which are defined in the regulation to include, among other areas, all waters within 24 miles of the California baseline (except a specific area off Point Conception. Unless specifically exempted, the regulation applies to both U.S.-flagged and foreign-flagged OGVs. Exemptions in the regulation include, among other vessels, OGVs that pass through Regulated California Waters but do not enter California internal or estuarine waters or call at a port, roadstead [5] or terminal facility; OGVs owned or operated by any governmental entity (unless used for commercial purposes); and OGVs when compliance with the regulation is reasonably determined by the master of the vessel to endanger the safety of the vessel, its crew, its cargo or its passengers because of severe weather conditions, equipment failure, fuel contamination or other extraordinary reasons beyond the master's reasonable control. See 13 CCR 2299.2(c)(1), (3) and (5).

Section 2299.2(e)(1) specifies allowable fuels and fuel sulfur content limits for auxiliary diesel engines, main engines and auxiliary boilers that must be met while the OGV is operating in Regulated California Waters. In the first phase, beginning July 1, 2009, auxiliary diesel engines, main engines and auxiliary boilers on subject OGVs must use either marine gas oil (MGO), with a maximum of 1.5 percent sulfur by weight, or marine diesel oil (MDO), with a maximum of 0.5 percent sulfur by weight. The ''Phase 1'' sulfur content limit for MGO would be reduced from 1.5% to 1.0% beginning on August 1, 2012. Phase 2, beginning January 1, 2014, requires use of either MGO with a maximum of 0.1% sulfur by weight or MDO with a maximum of 0.1% sulfur by weight. As such, the OGV Clean Fuels Regulation establishes more stringent requirements than otherwise required under Federal law, at least until January 1, 2015.[6]

[5] ''Roadstead'' means any facility that is used for the loading, unloading, and anchoring of ships. See 13 CCR section 2299.2(d)(31).

[6] In 2008, the International Maritime Organization (IMO) adopted amendments to MARPOL Annex VI (International Convention for the Prevention of Air Pollution From Ships) to further reduce air emissions from ships. Among other provisions, the 2008 amendments to MARPOL Annex VI allowed for the creation of Emission Control Areas (ECA) by member states allowing them to implement more stringent requirements than otherwise provided for in Annex VI upon approval by the IMO. In 2010, the IMO approved a joint application by the U.S. and Canada for the creation of an ECA, referred to

Section 2299.2(e)(2) establishes recordkeeping, reporting, and monitoring requirements including the requirement to retain and maintain records that document vessel entry to and departure from Regulated California Waters, completion of any fuel switching procedures used to comply with the regulations, and types and sulfur content of fuel used in each auxiliary engine, main engine, and auxiliary boiler operated in Regulated California Waters. Under subsection (e)(2), any person subject to the regulation must provide CARB with access to the OGV for the purpose of determining compliance with the regulation.

Under section 2299.2(f), the OGV Clean Fuels Regulation provides for the same types of penalties for non-compliance as described above for the Truck and Bus Regulation.

Section 2299.2(g) allows the EO to exempt, in whole or in part, vessels from compliance with the fuel and fuel sulfur content requirements in subsection (e) based on the need for essential modifications. Essential modifications refer to the addition of new equipment, or the replacement of existing components with modified components, that can be demonstrated to be necessary to comply with the regulation. See 13 CCR 2299.2(d)(10). Eligibility for relief under subsection (g) is generally cleared in advance by CARB through approval of an Essential Modification Report that demonstrates the need for essential modification and that is submitted by the vessel owner or operator to CARB 45 days prior to entry into Regulated California Waters.

Section 2299.2(h) allows CARB, under certain circumstances, to permit an owner or operator of an OGV to pay noncompliance fees in lieu of meeting the fuel and fuel sulfur content requirements in subsection (e) if specific notification requirements are met under subsection (h)(1). CARB may consider noncompliance fees in lieu of compliance for any owner or operator of an OGV that demonstrates that noncompliance is beyond the person's reasonable control under circumstances where the OGV was, while en route from its last port of call, redirected to a California port, where the supply of complying fuel is inadequate, or where the person made an inadvertent purchase of defective fuel. In-lieu fees may also be assessed for noncompliance by OGVs to be taken out of service for modifications or based on infrequent visits and need for vessel modifications. Applicable noncompliance (in-lieu) fees are shown below in Table 4.

TABLE 4—NONCOMPLIANCE FEE SCHEDULE UNDER THE OGC CLEAN FUELS REGULATION, PER VESSEL

Port visit	Per-port visit fee
1st Port Visited	$45,500
2nd Port Visited	45,500
3rd Port Visited	91,000
4th Port Visited	136,500
5th or more Port Visited	182,000

Under subsection (h), CARB assesses the fees at the time of the port visit, and the fees must be paid prior to leaving the California port or by a later date approved by CARB. Section 2299.2(h)(5)(D) allows CARB to enter into enforceable agreements with each port that will receive the fees. Fees must be used by the ports only to fund projects reducing PM, NO_X, and SO_2 within two miles of port boundaries, or OGVs operated in Regulated California Waters.

Section 2299.2(i) establishes the test methods that must be used to determine compliance with 13 CCR section 2299.2. Subsection (i) allows the CARB EO to approve alternative test methods if they are demonstrated to be equally or more accurate than the listed methods.

Lastly, under section 2299.2(j), the requirements of OGV Clean Fuels Regulation will cease to apply if and when the CARB EO issues written findings that Federal requirements are in place that will achieve equivalent emissions reductions within the Regulated California Waters and are being enforced within the Regulated California Waters.

II. EPA's Evaluation and Proposed Action

A. How is EPA evaluating the regulations?

EPA has evaluated the three regulations described in the previous section of this document against the applicable procedural and substantive requirements of the Clean Air Act for SIPs and SIP revisions and has concluded that they meet all of the applicable requirements. Generally, SIPs must include enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary to meet the requirements of the Act [see CAA section 110(a)(2)(A)]; must provide necessary assurances that the State will have adequate personnel, funding, and authority under State law to carry out such SIP (and is not prohibited by any provision of Federal to State law from carrying out such SIP) [see CAA section 110(a)(2)(E)]; must be adopted by a State after reasonable notice and public hearing [see CAA section 110(l)], and must not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act [see CAA section 110(l)].[7]

B. CARB Regulations Meeting CAA SIP Evaluation Criteria

1. Did the State provide aadequate public notice and comment periods?

Under CAA section 110(l), SIP revisions must be adopted by the State, and the State must provide for reasonable public notice and hearing prior to adoption. In 40 CFR 51.102(d), we specify that reasonable public notice in this context refers to at least 30 days. As described previously, the three subject regulations were submitted to EPA by California with requests to ''parallel process'' them pending final adoption (of the most recent amendments) by CARB. We recognize the extensive public process that CARB conducted prior to the adoption of the original versions of the three regulations and the extensive public process that CARB conducted for the recent amendments and modifications and expect to determine that CARB will have met the applicable procedural requirements for SIP revisions upon submittal by CARB of the final adopted regulations as a SIP revision with the necessary public process documentation.[8]

as the North American ECA. Under the North American ECA, OGVs traveling within a 200 nautical mile zone of the North American coastline are required to use fuels with no more than 1% sulfur beginning in August 2012 and no more than 0.1% sulfur beginning in January 2015. EPA is implementing the provisions of MARPOL Annex VI through its ocean-going vessel rule (75 FR 22895). Under these regulations, both U.S.- and foreign-flagged ships subject to the engine and fuel standards of MARPOL Annex VI must comply with the applicable Annex VI provisions when they enter U.S. ports or operate in most internal U.S. waters including the Great Lakes, excluding steamships.

[7] CAA section 193, which prohibits any pre-1990 SIP control requirement relating to nonattainment pollutants in nonattainment areas from being modified unless the SIP is revised to insure equivalent or greater emission reductions of such air pollutants, does not apply to these regulations because they do not represent pre-1990 SIP control requirements.

[8] For example, all three regulations were originally developed through a series of public workshops and adopted following 45-day public comment periods. The significant amendments to the Truck and Bus Regulation and the Drayage Truck Regulation proposed in October 2010 followed a similar process as have the 2011 amendments to the OGV Clean Fuels Regulation. The modifications to the 2010 amendments proposed in 2011 for the Truck and Bus Regulation

Continued

2. Does the State have adequate legal authority to implement the regulations?

CARB has been granted both general and specific authority under the California Health and Safety Code (H&SC) to adopt and implement these regulations. California H&SC sections 39600 (''Acts required'') and 39601 (''Adoption of regulation; Conformance to federal law'') confer on CARB the general authority and obligation to adopt regulations and measures necessary to execute CARB's powers and duties imposed by State law. California H&SC sections 43013(a) and 43018 provide broad authority to achieve the maximum feasible and cost-effective emission reductions from all mobile source categories, including both on-road and off-road diesel engines. Regarding in-use motor vehicles, California H&SC sections 43600 and 43701(b), respectively, grant CARB authority to adopt emission standards and emission control equipment requirements. Further, California H&SC section 39666 gives CARB authority to adopt airborne toxic control measures to reduce emissions of toxic air contaminants from new and in-use nonvehicular sources, including marine vessels.

Moreover, we know of no obstacle under Federal or State law in CARB's ability to implement the regulations. As a general matter, the CAA assigns mobile source regulation to EPA through title II of the Act and assigns stationary source regulation and SIP development responsibilities to the States through title I of the Act. In so doing, the CAA preempts various types of State regulation of mobile sources as set forth in section 209(a) (preemption of State emissions standards for new motor vehicles and engines), section 209(e) (preemption of State emissions standards for nonroad vehicles and engines) and section 211(c)(4)(A) [preemption of State fuel requirements for motor vehicles, i.e., other than California's motor vehicle fuel requirements—see section 211(c)(4)(B)]. For certain types of mobile source standards, the State of California may request a waiver or authorization for state emissions standards. See CAA sections 209(b) (new motor vehicles) and 209(e)(2) (most categories of new and non-new nonroad vehicles).

Notwithstanding the preemption provisions of the CAA, however, we do not believe that preemption represents an obstacle to implementation by California with respect to these three particular regulations. First, the Truck and Bus Regulation and Drayage Truck Regulation establish emissions standards for in-use trucks and buses. Because the requirements do not apply to new motor vehicles or engines and because the burden for retrofits or replacements does not fall on original equipment manufacturers, we believe that the preemption under CAA section 209(a) does not apply and California need not secure a waiver to enforce the Truck and Bus Regulation or the Drayage Truck Regulation. *See Allway Taxi Inc.* v. *City of New York,* 340 F. Supp. 1120 (S.D.N.Y) (interpreting CAA section 209(a) motor vehicle preemption), *aff'd,* 468 F.2d 624 (2d Cir. 1972).

To the extent that the Truck and Bus Regulation affects nonroad vehicles or engines, we take note of CARB's authorization request under CAA section 209(e)(2) for CARB's emissions standards for in-use off-road diesel-fueled equipment with engines 25 horsepower and greater and EPA's related notice of opportunity for public hearing and comment concerning CARB's request. See 75 FR 11880 (March 12, 2010) for the most recent related EPA announcement concerning CARB's authorization request for the relevant in-use nonroad emissions standards. Assuming that EPA issues the relevant authorization requested by CARB, there will be no obstacle to CARB's enforcement of the provisions of the Truck and Bus Regulation that apply to nonroad vehicles and engines.

With respect to the OGV Clean Fuels Regulation, we first note that State-adopted fuel requirements for nonroad vehicles are generally not preempted under the CAA. However, there are provisions of Federal law, other than the CAA, that might be relied upon to challenge State fuel requirements as preempted. In this instance, we recognize that the Ninth Circuit Court of Appeals recently issued an opinion in which the court upheld CARB's OGV Clean Fuels Regulation against a challenge grounded in preemption principles. See *Pacific Merchant Shipping Ass'n.* v. *Goldstene,* No. 09–17765 (9th Cir. March 28, 2011). The petitioners in the *Pacific Merchant* case may yet appeal the decision to the U.S. Supreme Court, but at this time, we have no reason to believe that the case will ultimately be resolved in a manner that takes away CARB's ability to implement and enforce the OGV Clean Fuels Regulation.

3. Are the regulations enforceable as required under CAA section 110(a)(2)?

We have evaluated the enforceability of the three subject proposed regulations with respect to applicability and exemptions; standard of conduct and compliance dates; sunset provisions; discretionary provisions; and test methods, recordkeeping and reporting,[9] and have concluded for the reasons given below that the proposed regulations would be enforceable for the purposes of CAA section 110(a)(2).

First, with respect to applicability, we find the proposed regulations would be sufficiently clear as to which persons and which vehicles or engines are affected by the regulations. For instance, with respect to the Truck and Bus Regulation, subsections (b) define the scope and applicability of the regulation in terms of, among other parameters, type of fuel used and manufacturer's GVWR. Subsection (c) of the Truck and Bus Regulation clearly identifies categories of vehicles that are exempt from the regulation, and subsection (d) provides additional detail on the types of owners and operators and vehicles covered by the regulation by defining key terms including ''person'' and ''agricultural operations,'' among others. Similar types of provisions are also found in the Drayage Truck Regulation [see 13 CCR section 2027(b) and (c)] and the OGV Clean Fuels Regulation [see 13 CCR sections 2299.2(b), (c), and (d)].

Second, we find that the proposed regulations would be sufficiently specific so that the persons affected by the regulations would be fairly on notice as to what the requirements and related compliance dates are. To a large extent, we have already described the substantive requirements and compliance dates set forth in the proposed regulations in section I.D of this document. We recognize that CARB intends to extend certain compliance dates in the latest amendments to the original regulations but, as discussed in section II.B.4 of this document, we find that extending the compliance dates would not interfere reasonable further progress and attainment requirements for California nonattainment areas with respect to the 1997 $PM_{2.5}$ and ozone NAAQS. See section II.B.4 of this document. No compliance date in any of the regulations extends past January 1, 2023, which is consistent with the attainment needs for California with respect to the attainment deadline for the South Coast and San Joaquin Valley ''extreme'' nonattainment areas for the 1997 ozone NAAQS.

and Drayage Truck Regulation were subject to a supplemental 15-day public comment period.

[9] These concepts are discussed in detail in an EPA memorandum from J. Craig Potter, EPA Assistant Administrator for Air and Radiation, *et al.,* titled ''Review of State Implementation Plans and Revisions for Enforceability and Legal Sufficiency,'' dated September 23, 1987.

Third, both the Drayage Truck Regulation and OGV Clean Fuels Regulation contain sunset provisions. In the case of the Drayage Truck Regulation, the regulation would sunset on December 31, 2022, but after that date, the requirements of the Truck and Bus Regulation would apply. See 13 CCR section 2027(j). Thus, regulation of drayage trucks would continue indefinitely under the terms of the Truck and Bus Regulation. Under subsection (j) of the OGV Clean Fuels Regulation, once the CARB EO makes a finding that federal requirements are in place that will achieve equivalent emissions reduction within California Regulated Waters and that are being enforced within California Regulated Waters, the regulation would no longer be in effect. The CARB EO is expected to make the necessary finding under subsection (j) sometime after January 1, 2015 when the 0.1% marine fuel sulfur content limit (applicable within the North American ECA) will become enforceable by EPA and the U.S. Coast Guard. Given that the 0.1% marine fuel sulfur content limit will continue to be federally enforceable after the CARB EO invokes the sunset clause, we find the sunset clause in the OGC Clean Fuels Regulation to be acceptable.

Fourth, all three regulations would contain provisions that allow for discretion on the part of CARB's EO. Such ''director's discretion'' provisions can undermine enforceability of a SIP regulation, and thus prevent full approval by EPA, but in the instances of ''director's discretion'' in the three subject regulations, the discretion that can be exercised by the CARB EO is limited both in scope and application. As such, we do not find that the ''director's discretion'' provisions in the proposed regulations would preclude our approval of them for the purposes of the SIP.

Lastly, each of the proposed regulations identifies appropriate test methods and includes adequate recordkeeping and reporting requirements sufficient to ensure compliance with the applicable requirements.

4. Do the regulations interfere with reasonable further progress and attainment or any other applicable requirement of the Act?

The State's 2007 State Strategy to attain the 1997 $PM_{2.5}$ and ozone NAAQS relies on these three regulations to help achieve needed emissions reductions in various nonattainment areas in California, particularly the South Coast Air Basin and San Joaquin Valley. A summary of the latest emissions reductions estimates from these rules in the South Coast and San Joaquin Valley 1997 $PM_{2.5}$ and ozone attainment plans can be found in the State's 2007 State Strategy, the 2009 Status Report on the State Strategy and the ''Progress Report on Implementation of $PM_{2.5}$ State Implementation Plans (SIP) for the South Coast and San Joaquin Valley Air Basins and Proposed SIP revisions,'' dated March 29, 2011. In separate rulemakings, EPA is evaluating the approvability of the reasonable further progress (RFP) and attainment demonstrations (and other provisions) for areas that rely on these three regulations. In general, these rules provide much needed NO_X, direct PM and SO_2 reductions, however, the attainment plans do not require specific reductions from any particular rule. Thus, EPA believes that the approval of these three regulations, which have never been approved into the SIP, does not interfere with RFP, attainment or any other applicable requirement of the Act.

5. Will the State have adequate personnel and funding for the regulations?

Chapter XIII of CARB's ''Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer Greenhouse Gas Regulation,'' dated October 2010, addresses implementation and enforcement of the regulations. As described therein, CARB intends to conduct enforcement of the Truck and Bus Regulation and Drayage Truck Regulation similarly to enforcement of CARB's commercial vehicle and school bus idling regulations. CARB's enforcement staff intends to use the inspection and audit methods that they have developed during the many years of experience enforcing the Heavy-Duty Vehicle Inspection Program (adopted into law in 1988) and the Periodic Smoke Inspection Program (adopted into law in 1990).

CARB indicates that enforcement activities will include inspections at border crossings, California Highway Patrol (CHP) weigh stations, fleet facilities, and randomly selected roadside locations and audits of records. See appendix H to CARB's initial statement of reasons for proposed rulemaking, dated October 2010, cited above. These activities could result in corrective actions and substantial civil penalties for non-compliance with the regulations. CARB's enforcement activities are summarized in annual reports. See, e.g., CARB's 2009 Annual Enforcement Report (August 2010).

We recognize the general effectiveness of CARB's motor vehicle enforcement program and expect CARB's approach to enforcement of the Truck and Bus and Drayage Truck regulations, as described above, to be equally effective; however, none of the information we have received or were able to download from CARB's Web site has identified the specific additional resources and personnel that CARB has allocated to the Truck and Bus Regulation. We expect such information to be submitted to EPA as part of the SIP submittal package contained the final adopted versions of the regulations.

Since the original OGV Clean Fuels Regulation became effective, CARB enforcement staff has conducted over 450 vessel inspections and the compliance rate, as determined by CARB enforcement staff, is approximately 95%. See page ES–2 of CARB's Initial Statement of Reasons for Proposed Rulemaking, Proposed Amendments to the Regulations ''Fuel Sulfur and Other Operational Requirements for Ocean-Going Vessels within California Waters and 24 Nautical Miles of the California Baseline,'' dated May 2011. Based on CARB's enforcement activities since the effective date of the original OGV Clean Fuels Regulation, we believe that CARB has allocated adequate funding and personnel for the regulation.

6. EPA's Regulation Evaluation Conclusion

Based on the above discussion, we believe these regulations are consistent with the relevant CAA requirements, policies and guidance.

C. Proposed Action, Public Comment and Final Action

For the reasons given above, we believe CARB's Truck and Bus Regulation, Drayage Truck Regulation, and OGV Clean Fuels Regulation fulfill all relevant requirements, and thus, EPA is proposing to approve these regulations under section 110(k)(3) of the CAA once we receive the final adopted versions as a revision to the California SIP. If the State substantially revises these submitted regulations from the versions proposed by the State and submitted for ''parallel processing,'' this will result in the need for additional proposed rulemaking on these regulations.

We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval

action that will incorporate these regulations into the federally enforceable SIP.

III. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

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

Dated: June 29, 2011.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2011–17232 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0547; FRL–9435–2]

Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District (SJVUAPCD)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the San Joaquin Valley Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) and oxides of nitrogen (NO_X), and particulate matter (PM) emissions from open burning. We are approving a local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by August 10, 2011.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2011–0547, by one of the following methods:

1. Federal eRulemaking Portal: *www.regulations.gov.* Follow the on-line instructions.
2. E-mail: *steckel.andrew@epa.gov.*
3. Mail or deliver: Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or e-mail. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Joanne Wells, EPA Region IX, (415) 947–4118, *wells.joanne@epa.gov.*

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

Table of Contents

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule and portion of District Staff Report addressed by this proposal with the dates that they were adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD	4103	Open Burning	04/15/10	04/05/11
SJVUAPCD	.....	Table 9–1, Final Staff Report and Recommendations on Agricultural Burning.	05/20/10	04/05/11

On May 6, 2011, EPA determined that the submittal for SJVUAPCD Rule 4103 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 4103 into the SIP on November 10, 2009 (74 FR 57907). The SJVUAPCD adopted revisions to the SIP-approved version on April 15, 2010 and CARB submitted them to us on April 5, 2011.

C. What is the purpose of the submitted rule and rule revisions?

VOCs and NO_X help produce ground-level ozone and smog, which harm human health and the environment. PM emissions also harm human health and the environment by causing, among other things, premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control VOC, NO_X, and PM emissions. SJVUAPCD Rule 4103 limits emissions of air pollutants, including VOC, NO_X and PM, that result from the open burning of agricultural waste and other materials.

Rule 4103 was revised largely to implement portions of California Health and Safety Code (CH&SC) sections 41855.5 and 41855.6. CH&SC section 41855.5 requires SJVUAPCD to prohibit specific crop categories from open burning according to a schedule, the final phase of which began on June 1, 2010. CH&SC section 41855.6 authorizes SJVUAPCD to postpone the burn prohibition for specific crop categories if all of the conditions listed in section 41855.6 are met.

Specific revisions to the previous version of the rule include:

- New or revised definitions are provided in Section 3.0 for the following terms: Air Pollution Control Officer, Board, Environmental Protection Agency, Field Crops, Orchard Removals, Other Materials, Other Weeds and Maintenance, Prunings, Surface Harvested Prunings, Vineyard Removal Materials, Vineyard Materials and Weed Abatement.
- Section 5.5.1 was amended to include all agricultural crops and materials listed in CH&SC Section 41855.5, thereby prohibiting the open burning of all materials not subject to a postponement under Section 5.5.2.
- Section 5.5.2 was revised to include criteria that SJVUAPCD must satisfy to postpone a burn prohibition under CH&SC Section 41855.6.
- New Section 6.3 requires the SJVUAPCD Air Pollution Control Officer (APCO) to prepare and present to the Board for review and approval a ''Staff Report and Recommendations on Agricultural Burning'' for any Board determination under section 5.5.2. The APCO must also review and update this Report at least every five years.
- On May 20, 2010, the SJVUAPCD Board approved and incorporated by reference a ''Staff Report and Recommendations on Agricultural Burning'' prepared pursuant to section 6.3 of the rule. The Staff Report recommended complete or partial postponement of the burn prohibition for a number of crop categories. These recommendations are summarized in Table 9–1 of the Staff Report.

EPA's technical support document (TSD) has more information about these rule revisions.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193). Section 172(c)(1) of the Act also requires implementation of all reasonably available control measures (RACM) as expeditiously as practicable in nonattainment areas. Because the San Joaquin Valley (SJV) area is designated nonattainment for the fine particulate matter (PM2.5) National Ambient Air Quality Standards (NAAQS) and designated and classified as extreme nonattainment for the ozone NAAQS (see 40 CFR 81.305), the RACM requirement in CAA section 172(c)(1) applies to this area.

Guidance and policy documents that we use to evaluate enforceability and RACM requirements consistently include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).
2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
3. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
4. Preamble, ''Final Rule to Implement the 8–Hour Ozone National Ambient Air Quality Standard—Phase 2,'' 70 FR 71612 (November 29, 2005).
5. Preamble, ''Clean Air Fine Particle Implementation Rule for the 1997 PM2.5 NAAQS,'' 72 FR 20586 (April 25, 2007).

B. Does the rule meet the evaluation criteria?

We believe this rule is consistent with the applicable CAA requirements and guidance regarding enforceability, RACM, and SIP revisions. The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rule

The TSD describes additional rule revisions that we recommend for the next time the local agency modifies the rule.

III. Proposed Action.

Because EPA believes the submitted rule fulfills all relevant requirements, we are proposing to fully approve it under section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate this rule into the federally enforceable SIP.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP

submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

• Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: June 29, 2011.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2011–17454 Filed 7–8–11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[EPA–HQ–OAR–2009–0491; FRL–9436–9]

[RIN 2060–AR01]

Federal Implementation Plans for Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin To Reduce Interstate Transport of Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; supplemental.

SUMMARY: In this supplemental notice of proposed rulemaking (SNPR), EPA is providing an opportunity for public comment on our conclusion that emissions from Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin significantly contribute to downwind nonattainment or interfere with maintenance of the 1997 ozone National Ambient Air Quality Standards (NAAQS) in other states. EPA is also proposing Federal Implementation Plans (FIPs) to address (a) the emissions identified as significantly contributing to nonattainment and interference with maintenance and (b) the transport requirements with respect to the relevant NAAQS. EPA is proposing to implement the ozone season NO_X program in the Transport Rule (Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States) as the FIPs for Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin to address the emissions identified as significantly contributing to nonattainment or interfering with maintenance with respect to the 1997 ozone NAAQS. In addition, this notice identifies the budgets, associated variability limits, and allowance allocations that would be used for each state if EPA finalizes the FIPs proposed here.

DATES: Comments must be received on or before August 22, 2011.

A public hearing, if requested, will be held in Room 4128 at USEPA West (EPA West) [Old Customs Building], 1301 Constitution Avenue, NW., Washington, DC 20004 on July 21, 2011, beginning at 9 a.m.

ADDRESSES: Submit your comments, identified by Docket ID No. OAR–EPA–HQ–OAR–2009–0491, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

• *Agency Web site: http://www.epa.gov/edocket.* EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

• *E-mail: A-and-R-Docket@epa.gov.*

• *Fax:* (202) 566–1741.

• *Mail:* Air Docket, Environmental Protection Agency, *Mailcode:* 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.

• *Hand Delivery:* EPA Docket Center (Air Docket), U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B102, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2009–0491. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.epa.gov/edocket,* 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 EDOCKET, regulations.gov, or e-mail. The EPA EDOCKET and the Federal regulations.gov Web sites are ''anonymous access'' systems, 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 EDOCKET or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties

and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Air Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. This Docket Facility is open from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (929) 566–1742, fax (202) 566–1741.

FOR FURTHER INFORMATION CONTACT: Questions concerning today's action should be addressed to Ms. Doris Price, Clean Air Markets Division, Office of Atmospheric Programs, Mail Code 6204J, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; *telephone number:* (202) 343–9067; *fax number:* (202) 343–2356; *e-mail address: price.doris@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public Hearing

A public hearing, if requested, will be held in Room 4128 at USEPA West (EPA West) [Old Customs Building], 1301 Constitution Avenue, NW., Washington, DC 20004 on July 21, 2011, beginning at 9 a.m.

If you wish to request a hearing and present testimony or attend the hearing, you should notify, on or before July 14, 2011, Ms. Doris Price, Clean Air Markets Division, Office of Atmospheric Programs, Mail Code 6204J, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; *telephone number:* (202) 343–9067; *fax number:* (202) 343–2356; *e-mail address: price.doris@epa.gov.* Oral testimony will be limited to 5 minutes each. The hearing will be strictly limited to the subject matter of the proposal, the scope of which is discussed below. Any member of the public may file a written statement by the close of the comment period.

Written statements (duplicate copies preferred) should be submitted to Docket ID No. EPA–HQ–OAR–2009–0491, at the address listed above for submitted comments. The hearing location and schedule, including lists of speakers, will be posted on EPA's webpage at *http://www.epa.gov/airtransport.*

A verbatim transcript of the hearing and written statements will be made available for copying during normal working hours at the Office of Air and Radiation Docket and Information Center at the address listed for inspection for documents.

If no requests for a public hearing are received by close of business on July 14, 2011, a hearing will not be held and this announcement will be made on the webpage at the address shown above.

Glossary of Terms and Abbreviations

The following are abbreviations of terms used in this SNPR:

CFR Code of Federal Regulations
EGU Electric Generating Unit
FIP Federal Implementation Plan
FR **Federal Register**
EPA U.S. Environmental Protection Agency
ICR Information Collection Request
NAAQS National Ambient Air Quality Standards
NODA Notice of Data Availability
NO_X Nitrogen Oxides
SIP State Implementation Plan
OMB Office of Management and Budget
$PM_{2.5}$ Fine Particulate Matter, Less Than 2.5 Micrometers
PM Particulate Matter
RIA Regulatory Impact Analysis
SNPR Supplemental Notice of Proposed Rulemaking
SO_2 Sulfur Dioxide
TSD Technical Support Document

Outline

I. Today's Proposal

In this supplemental notice of proposed rulemaking (SNPR), EPA is providing an opportunity for public comment on its conclusion that Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin significantly contribute to nonattainment or interfere with maintenance of the 1997 ozone National Ambient Air Quality Standards (NAAQS) in other states.

In addition, EPA is proposing FIPs to address the transport requirements of the relevant NAAQS using programs created in the Transport Rule [1] that is being finalized simultaneously with this proposal. EPA is proposing to implement the ozone season NO_X program in the Transport Rule as the FIPs for Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin to address the emissions identified as significantly contributing to nonattainment or interfering with maintenance with respect to the 1997 ozone NAAQS.

In the final Transport Rule, EPA identified and finalized FIPs for 20 states with emissions that significantly contribute to nonattainment or interfere with maintenance of the 1997 ozone NAAQS, 18 states with emissions that significantly contribute to nonattainment or interfere with maintenance of the 1997 annual $PM_{2.5}$ NAAQS, and 21 states with emissions that significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS.

In this notice, EPA is taking comment only on a) its conclusions that the six states identified above have emissions that significant contribute to

[1] Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States: Final Rule. Available on the Web at *http://www.epa.gov/airtransport.*

nonattainment and interfere with maintenance of the 1997 ozone NAAQS, and b) its decision to use the final Transport Rule programs as the FIPs to address these emissions in the six states.

In this notice, EPA is not taking comment on any aspect of the final Transport Rule, including any aspect of the methodology used to identify receptors for nonattainment; the methodology used to identify receptors for maintenance; the methodology used to identify any specific state's significant contribution and interference with maintenance; the methodologies used to establish state budgets, variability limits, and state assurance levels; or the methodologies used to allocate allowances to existing units, to establish new unit set-asides and Indian country new unit set-asides, or to allocate allowances in these set-asides. EPA provided an adequate opportunity for public comment on all of these issues during the comment period for the proposed Transport Rule and during the comment periods for the associated Notices of Data Availability (NODAs).[2] EPA received numerous comments on the proposed Transport Rule and on the associated NODAs and considered all comments received during the comment periods for these actions before finalizing the Transport Rule.

EPA is also not taking comment on the emissions inventories used for the final Transport Rule modeling, including the emissions inventories for the six states identified above. EPA provided ample opportunity for comment on these inventories during the comment period for the proposed Transport Rule and the comment periods for the NODAs associated with that proposal. Inventories for all states included in the modeling domain were made available for public comment during that process. EPA made numerous changes to these inventories in response to public comments. Furthermore, the public had an incentive to comment on the inventories for these six states, not only because these inventories affect the modeling for all states in the modeling domain, but also because EPA was proposing to include all six states in at least one of the Transport Rule trading programs and the inventories were used for allocating the emissions allowances to covered units. EPA proposed to include Kansas and Michigan in the ozone-season NO_X, annual NO_X, and annual SO_2 programs, proposed to include Oklahoma in the ozone-season NO_X program, and proposed to include Iowa, Missouri and Wisconsin in the annual NO_X and annual SO_2 programs. Commenters therefore had reason to look closely at all of the emission data for all six states that EPA made available in the proposal and the NODAs.

A. EPA's Authority for This Rule

The statutory authority for this action is provided by the CAA, as amended, 42 U.S.C. 7401 *et. seq.* Section 110(a)(2)(D) of the CAA, often referred to as the ''good neighbor'' provision of the Act, requires states to prohibit certain emissions because of their impact on air quality in downwind states. Specifically, it requires all states, within 3 years of promulgation of a new or revised NAAQS, to submit SIPs that prohibit certain emissions of air pollutants because of the impact they would have on air quality in other states. 42 U.S.C. 7410(a)(2)(D). Section 301(a)(1) of the CAA gives the Administrator of EPA general authority to prescribe such regulations as are necessary to carry out her functions under the Act. 42 U.S.C. 7601(a)(1). Section 110(c)(1) requires the Administrator to promulgate a FIP at any time within 2 years after the Administrator a) finds that a state has failed to make a required SIP submission or that such a submission is incomplete, or b) disapproves a SIP submission, unless the state corrects the deficiency and the Administrator approves the SIP revision. 42 U.S.C. 7410(c)(1). Tribes are not required to submit state implementation plans. However, as explained in EPA's regulations outlining Tribal Clean Air Act authority, EPA is authorized to promulgate FIPs for Indian country as necessary or appropriate to protect air quality if a tribe does not submit and get EPA approval of an implementation plan. See 40 CFR 49.11(a).

For each FIP in this rule, except the FIP for Kansas, EPA either has found that the state has failed to make a required 110(a)(2)(D)(i)(I) SIP submission, or has disapproved a SIP submission. In addition, EPA has determined, in each case, that there has been no approval by the Administrator of a SIP submission correcting the deficiency prior to promulgation of the FIP. EPA's obligation to promulgate a FIP arose when the finding of failure to submit or disapproval was made, and in no case has it been relieved of that obligation. The specific findings made and actions taken by EPA are described in greater detail in the TSD entitled ''Status of CAA 110(a)(2)(D)(i)(I) SIPs: Supplemental Proposed Rule TSD,'' which is available in the public docket for this rule.

In addition, EPA has proposed a SIP Call under CAA 110(k)(5) for Kansas (76 FR 763, January 6, 2011), based on its conclusion that Kansas significantly contributes to nonattainment or interferes with maintenance of the 1997 ozone NAAQS. On March 9, 2007, EPA approved a 110(a)(2)(D)(i) SIP submission from the state of Kansas for the 1997 ozone and 1997 $PM_{2.5}$ NAAQS on March 9, 2007 (72 FR 10608). This SIP submission did not rely on compliance with the Clean Air Interstate Rule (CAIR)[3] to satisfy the requirements of 110(a)(2)(D)(i)(I). The analysis for the final Transport Rule, however, demonstrates that emissions from Kansas significantly contribute to nonattainment or interfere with maintenance of the 1997 ozone NAAQS in other states. Because the SIP does not prohibit these emissions, EPA is proposing to find it substantially inadequate to meet the requirements of 110(a)(2)(D)(i)(I) with respect to the 1997 ozone NAAQS. EPA has proposed to give Kansas 18 months to submit a SIP to correct this deficiency. EPA has also proposed to give Kansas the option of asking EPA to impose a FIP beginning in the 2012 ozone season. Any final action on the proposed SIP Call will be taken in a separate action, and will establish a deadline for submission of a new 110(a)(2)(D)(i)(I) SIP. In this action we are taking comment, with respect to Kansas, only on our conclusion that Kansas significantly contributes to nonattainment or interferes with maintenance of the 1997 ozone NAAQS and our proposal to use the Transport Rule ozone-season NO_X program as the FIP for Kansas. We are not taking comment on issues related solely to the proposed SIP Call for Kansas.

[2] Notice of Data Availability Supporting Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone (75 FR 53613; September 1, 2010). This NODA provided additional information on an updated version of the power sector modeling platform and data inputs EPA proposed to use to support the final Transport Rule.

Notice of Data Availability Supporting Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone: Revisions to Emission Inventories (75 FR 66055; October 27, 2010).

Notice of Data Availability for Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone: Request for Comment on Alternative Allocations, Calculation of Assurance Provision Allowance Surrender Requirements, New-Unit Allocations in Indian Country, and Allocations by States (76 FR 1109; January 7, 2011).

[3] Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call promulgated May 12, 2005 (70 FR 25162).

B. Application of Methodologies To Identify Nonattainment and Maintenance Receptors and To Determine Significant Contribution and Interference With Maintenance

In this SNPR, EPA is providing an opportunity for public comment on specific conclusions regarding emissions from six states that significantly contribute to nonattainment or interfere with maintenance of the 1997 ozone NAAQS. As noted above, EPA is not taking comment on the methodologies to identify nonattainment and maintenance receptors and to determine significant contribution and interference with maintenance with respect to the 1997 ozone NAAQS, which were finalized in the Transport Rule. Rather, we are accepting comment on the conclusion that application of these methodologies demonstrates that Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin significantly contribute to nonattainment or interfere with maintenance of the 1997 ozone NAAQS in other states.

i. Iowa

The final Transport Rule determined that emissions from Iowa significantly contribute to nonattainment or interfere with maintenance of the annual $PM_{2.5}$ NAAQS and the 24-hour $PM_{2.5}$ NAAQS. EPA also finalized FIPs to include Iowa in the Transport Rule annual NO_X and annual SO_2 programs to address the transport requirements related to the annual and 24-hour $PM_{2.5}$ NAAQS. These conclusions are not being reviewed or reopened for public comment.

The analysis for the final Transport Rule also identifies Iowa as a state that significantly contributes to nonattainment or interferes with maintenance only for a newly-identified 1997 ozone NAAQS maintenance receptor in Allegan County, MI. The methodology used to analyze significant contribution with respect to the 1997 ozone NAAQS, and its application to Iowa, is described in detail in the preamble to the final Transport Rule and in the TSDs entitled ''Air Quality Modeling Final Rule TSD'' and ''Significant Contribution and State Emission Budgets Final Rule TSD,'' which are available in the public docket for this rule. In this SNPR, EPA specifically requests comment on whether there are errors in the Agency's application of the Transport Rule methodologies with respect to Iowa's significant contribution to nonattainment and interference of the 1997 ozone NAAQS.

ii. Kansas

The final Transport Rule determined that emissions from Kansas significantly contribute to nonattainment or interfere with maintenance of the 24-hour $PM_{2.5}$ NAAQS. EPA also finalized FIPs to include Kansas in the Transport Rule annual NO_X and annual SO_2 programs to address the transport requirements related to the 24-hour $PM_{2.5}$ NAAQS. These conclusions are not being reviewed or reopened for public comment.

The analysis for the final Transport Rule also identifies Kansas as a state that significantly contributes to nonattainment or interferes with maintenance of the 1997 ozone NAAQS in another state. In its 2010 Transport Rule proposal, EPA proposed to determine that Kansas significantly contributes to or interferes with maintenance of the 1997 ozone NAAQS and also proposed to include Kansas in the Transport Rule ozone-season NO_X program. In the analysis conducted for the final Transport Rule, however, Kansas is linked only to a newly-identified ozone maintenance receptor in Allegan County, MI. The methodology used to analyze significant contribution with respect to the 1997 ozone NAAQS, and its application to Kansas, is described in detail in the preamble to the final Transport Rule and in the TSDs entitled ''Air Quality Modeling Final Rule TSD'' and ''Significant Contribution and State Emission Budgets Final Rule TSD,'' which are available in the public docket for this rule. In this SNPR, EPA specifically requests comment on whether there are errors in the Agency's application of the Transport Rule methodologies with respect to Kansas's significant contribution to nonattainment and interference of the 1997 ozone NAAQS.

iii. Michigan

The final Transport Rule determined that emissions from Michigan significantly contribute to nonattainment or interfere with maintenance of the annual and 24-hour $PM_{2.5}$ NAAQS. EPA also finalized FIPs to include Michigan in the Transport Rule annual NO_X and annual SO_2 programs to address the transport requirements related to the annual and 24-hour $PM_{2.5}$ NAAQS. These conclusions are not being reviewed or reopened for public comment.

The analysis for the final Transport Rule also identifies Michigan as a state that significantly contributes to nonattainment or interferes with maintenance of the 1997 ozone NAAQS in another state. In its 2010 Transport Rule proposal, EPA proposed to determine that Michigan significantly contributes to or interferes with maintenance of the 1997 ozone NAAQS and also proposed to include Michigan in the Transport Rule ozone-season NO_X program. In the analysis conducted for the final Transport Rule, however, Michigan is linked only to a newly-identified ozone maintenance receptor in Harford County, MD. The methodology used to analyze significant contribution with respect to the 1997 ozone NAAQS, and its application to Michigan, is described in detail in the preamble to the final Transport Rule and in the TSDs entitled ''Air Quality Modeling Final Rule TSD'' and ''Significant Contribution and State Emission Budgets Final Rule TSD,'' which are available in the public docket for this rule. In this SNPR, EPA specifically requests comment on whether there are errors in the Agency's application of the Transport Rule methodologies with respect to Michigan's significant contribution to nonattainment and interference of the 1997 ozone NAAQS.

iv. Missouri

With regard to Missouri, the final Transport Rule determined that emissions from Missouri significantly contribute to nonattainment or interfere with maintenance of the annual $PM_{2.5}$ NAAQS and the 24-hour $PM_{2.5}$ NAAQS. EPA also finalized FIPs to include Missouri in the Transport Rule annual NO_X and annual SO_2 programs to address the transport requirements related to the annual and 24-hour $PM_{2.5}$ NAAQS. These conclusions are not being reviewed or reopened for public comment.

The analysis for the final Transport Rule also identifies Missouri as a state that significantly contributes to nonattainment or interferes with maintenance of the 1997 ozone NAAQS in Harris County, TX, Brazoria County, TX, and Allegan County, MI. The methodology used to analyze significant contribution with respect to the 1997 ozone NAAQS, and its application to Missouri, is described in detail in the preamble to the final Transport Rule and in the TSDs entitled ''Air Quality Modeling Final Rule TSD'' and ''Significant Contribution and State Emission Budgets Final Rule TSD,'' which are available in the public docket for this rule, Docket ID No. EPA–HQ–OAR–2009–0491. In this SNPR, EPA requests comment specifically on whether there are errors in the Agency's application of the Transport Rule methodologies with respect to

Missouri's significant contribution to nonattainment and interference of the 1997 ozone NAAQS.

v. Oklahoma

The final Transport Rule does not include any requirements that apply to sources in Oklahoma. The analysis conducted for the final Transport Rule, however, identifies Oklahoma as a state that significantly contributes to nonattainment or interferes with maintenance of the 1997 ozone NAAQS in Allegan County, MI. In its 2010 Transport Rule proposal, EPA proposed to determine that Oklahoma significantly contributes to or interferes with maintenance of the 1997 ozone NAAQS and also proposed to include Oklahoma in the Transport Rule ozone-season NO_X program. In the analysis conducted for the final Transport Rule, however, Oklahoma is linked only to a newly-identified ozone maintenance receptor in Allegan County, MI. The methodology used to analyze significant contribution with respect to the 1997 ozone NAAQS, and its application to Oklahoma, is described in detail in the preamble to the final Transport Rule and in the TSDs entitled ''Air Quality Modeling Final Rule TSD'' and ''Significant Contribution and State Emission Budgets Final Rule TSD,'' which are available in the public docket for this rule. In this SNPR, EPA specifically requests comment on whether there are errors in the Agency's application of the Transport Rule methodologies with respect to Oklahoma's significant contribution to nonattainment and interference of the 1997 ozone NAAQS.

vi. Wisconsin

The final Transport Rule determined that emissions from Wisconsin significantly contribute to nonattainment or interfere with maintenance of the annual $PM_{2.5}$ NAAQS and the 24-hour $PM_{2.5}$ NAAQS. EPA also finalized FIPs to include Wisconsin in the Transport Rule annual NO_X and annual SO_2 programs to address the transport requirements related to the annual and 24-hour $PM_{2.5}$ NAAQS. These conclusions are not being reviewed or reopened for public comment.

The analysis for the final Transport Rule also identifies Wisconsin as a state that significantly contributes to nonattainment or interferes with maintenance only for a newly identified 1997 ozone NAAQS maintenance receptor in Allegan County, MI. The methodology used to analyze significant contribution with respect to the 1997 ozone NAAQS, and its application to Wisconsin, is described in detail in the preamble to the final Transport Rule and in the TSDs entitled ''Air Quality Modeling Final Rule TSD'' and ''Significant Contribution and State Emission Budgets Final Rule TSD,'' which are available in the public docket for this rule. In this SNPR, EPA specifically requests comment on whether there are errors in the Agency's application of the Transport Rule methodologies with respect to Wisconsin's significant contribution to nonattainment and interference of the 1997 ozone NAAQS.

C. Ozone Season NO_X Emission Budgets for Six States

In this SNPR, EPA is also presenting state ozone season NO_X emission budgets for covered units (generally large electric generating units) [4] in Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin pertaining to the proposed FIPs for the 1997 ozone NAAQS. EPA will finalize these budgets, adjusted if necessary based on comments received, as part of the FIPs for these six states. As noted above, EPA is not taking comment on the methodologies used to establish state budgets, variability limits, or state assurance levels. Rather, in this section, we are requesting comment on the state ozone season NO_X emission budgets calculated using these methodologies. These budgets are presented in Table I.C–1. The associated variability limits and state assurance levels are presented in Table I.C–2.

TABLE I.C–1—OZONE SEASON NO_X STATE EMISSION BUDGETS FOR ELECTRIC GENERATING UNITS BEFORE ACCOUNTING FOR VARIABILITY *

[Tons]

	2012–2013	2014 and beyond
Iowa	16,532	16,207
Kansas	13,536	10,998
Michigan	25,752	24,727
Missouri	22,762	21,073
Oklahoma	21,835	21,835
Wisconsin	13,704	13,216

NOTE—These state emission budgets apply to emissions from electric generating units greater than 25 MW and covered by the Transport Rule Program.

* The impact of variability on budgets is discussed in the preamble to the final Transport Rule, section VI.E.

TABLE I.C–2—VARIABILITY LIMITS AND STATE ASSURANCE LEVELS FOR OZONE SEASON NO_X EMISSIONS

[Tons]

	Emission variability limit (tons)		State emission assurance level (tons)	
	2012–2013	2014 and beyond	2012–2013	2014 and beyond
Iowa	3,472	3,403	20,004	19,610
Kansas	2,843	2,310	16,379	13,308
Michigan	5,408	5,193	31,160	29,920
Missouri	4,780	4,425	27,542	25,498
Oklahoma	4,585	4,585	26,420	26,420
Wisconsin	2,878	2,775	16,582	15,991

Note: Variability limits and assurance levels apply to each state's emissions from covered sources, as defined by

[4] The applicability provisions for determining covered units in the named six states for the Transport Rule ozone season NO_X program are the same as those described in section VII.B, ''Applicability,'' of the preamble to the final Transport Rule.

Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States: Final Rule.

D. Allocation of Allowances to Covered Units

The proposed unit-level allocations of ozone season NO_X allowances to existing covered units in Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin are presented in the TSD entitled ''Proposed Unit-Level Ozone Season NO_x Allowance Allocations to Existing Units in Six States: Supplemental Proposed Rule TSD,'' which is available in the public docket for this rule and on the Web at *http://www.epa.gov/airtransport.* The methodology and procedures used for allocations to units covered by the Transport Rule ozone season NO_X program are specified in section VII.D, ''Allocation of Emission Allowances,'' of the preamble to the final Transport Rule and in the TSD entitled ''Allowance Allocation Final Rule TSD,'' which is available in the public docket for this rule. The TSD entitled ''Proposed Unit-Level Ozone Season NO_X Allowance Allocations to Existing Units in Six States: Supplemental Proposed Rule TSD'' also describes how to access publicly available downloadable Excel spreadsheets with the proposed unit-level allowance allocations and the supporting data EPA used in applying the final Transport Rule existing unit allocation methodology to eligible units in each of the named states in this SNPR on the Web at *http://www.epa.gov/airtransport.*

EPA is taking comment only on the data inputs (e.g., corrections to the heat input value used for any particular unit) used in applying the allowance allocation methodology for existing units and on the resulting existing-unit allocations that we are proposing for the six states involved. EPA provided ample opportunity for comment on the methodologies used for allowance allocation and for establishing the set-asides both in the public comment period following the rule proposal and through the January 7, 2011 NODA. As discussed in section VII.D.1, ''Allocations to Existing Units'' of the preamble to the final Transport Rule, EPA has carefully evaluated and responded to numerous comments on this issue. These public comments were taken into account when finalizing the Transport Rule.[5]

EPA is proposing that new unit set-asides for allowance allocations to new units be created and implemented for each of these six states in the same manner as for the other states covered in the Transport Rule ozone season NO_X program. This approach is described in section VII.D.2, ''Allocations to New Units,'' of the preamble to the final Transport Rule. Table I.D–1 shows the proposed new allocation percentages for ozone season NO_X allowances for Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin. As noted above, EPA is taking comment only on the application of the new unit set-aside methodology to these states and on the resulting set-asides that we are proposing (i.e., whether the percentages for the set-asides are calculated properly). EPA provided ample opportunity for comment on the new unit set-aside methodology in the public comment period following the rule proposal.

TABLE I.D–1—STATE NEW UNIT SET-ASIDES AS A PERCENT OF STATE OZONE SEASON NO_X EMISSION BUDGETS

	Ozone-season NO_X (%)
Iowa	2
Kansas	2
Michigan	2
Missouri	3
Oklahoma	2
Wisconsin	6

As described in section VII.D.2, ''Allocations to New Units,'' of the preamble to the final Transport Rule, EPA is providing a mechanism to make allowances available in the future for new units built in Indian country. Table I.D–2 shows the Indian Country set-asides EPA is proposing to use to set aside ozone-season NO_X allowances from the budgets of states included in this SNPR which have areas of Indian country within their boundaries. Under the final Transport Rule, EPA will administer these Indian country new unit set-asides regardless of whether a state replaces its Transport Rule FIP with an approved SIP. EPA is proposing to use the same mechanism for the states covered in this SNPR. EPA is taking comment only on the application of the Indian country new unit set-aside methodology to these states and on the resulting set-asides that we are proposing. EPA provided ample opportunity for comment on the methodologies for Indian country new unit set-asides through the January 7, 2011 NODA.

TABLE I.D–2—NEW UNIT SET-ASIDE ALLOWANCES FOR INDIAN COUNTRY

[Tons]

	For ozone season NO_X in 2012	For ozone season NO_X in 2014
Iowa	17	16
Kansas	14	11
Michigan	26	25
Oklahoma	22	22
Wisconsin	14	13

E. Implementation

EPA is proposing that implementation of emission requirements for the six states addressed in this SNPR be identical to those for the other states covered by the Transport Rule ozone season NO_X program. Refer to section IV.C–2, ''FIP Authority for Each State and NAAQS Covered,'' in the preamble to the final Transport Rule for a general discussion of EPA's legal responsibility and authority to impose Federal Implementation Plans (FIPs) in certain circumstances where State Implementation Plans (SIPs) are deficient. The TSD entitled ''Status of CAA 110(a)(2)(D)(i)(I) SIPs: Supplemental Proposed Rule TSD'' identifies actions taken by EPA with respect to the 110(a)(2)(D)(i)(I) SIP requirements for the named states with respect to the relevant NAAQS. This TSD demonstrates that EPA has authority and a legal obligation to promulgate each FIP proposed in this SNPR.

To be consistent and synchronize with the other states covered by the Transport Rule ozone season NO_X program, EPA has not adjusted the timing for compliance with the Transport Rule programs for these states.[6] EPA expects to finalize this rulemaking on or before November 1, 2011; the ozone season for 2012 does not begin until May 1, 2012. This will allow an approximately six-month lead time before the start of the 2012 ozone season. The vast majority of covered sources already have combustion controls installed; therefore, EPA expects that only a small number of sources will need to install combustion controls to comply, and the total

[5] EPA made some corrections to heat input data based on comments received from sources correcting such data.

[6] As explained in the TSD, EPA proposed a SIP call requiring Kansas to address its deficiency for the 1997 Ozone NAAQS 110(a)(2)(D)(i)(I) requirements (76 FR 763). EPA intends to finalize the SIP call concurrent with the finalization of this action. This will enable Kansas to use the same remedy as the other states covered by the final Transport Rule ozone season NO_X program. (Specifically, Kansas may request—through a letter submitted to EPA within three weeks of the final SIP call—that the Kansas ozone FIP be implemented at the same time as the other states.)

number of installations is practical to achieve within the time period for additional construction. Individual sources may comply through other measures (such as purchasing additional allowances) in the event that it takes a particular source more than six months for installation of a given combustion control. EPA's rationale for determining that this lead time is sufficient is described in detail in section VII.C ''Compliance Deadlines'' of the preamble to the final Transport Rule.

EPA is also not proposing to alter the compliance deadlines or deadlines for submission of SIPs to replace the ozone FIPs for these six states. The submission deadlines and process for the six states covered by this SNPR, as well as the rationale behind them, can be found in section X ''Transport Rule State Implementation Plans'' of the preamble to the final Transport Rule.

F. Expected Effects of the Proposed Action

This proposal is projected to limit ozone season NO_X emissions in Iowa, Kansas, Michigan, Missouri, Oklahoma, and Kansas beginning in 2012. The impacts of the Transport Rule inclusive of this proposal are discussed in section VIII of the preamble to the final Transport Rule. Table VIII–A.5 shows the state-by-state ozone season NO_X emissions reductions (compared to the base case) expected in both 2012 and 2014. Overall ozone improvements, including these states and others, are displayed in Table VIII–B–2 and are discussed in greater detail in the Air Quality Modeling Final Rule TSD.[7] Overall benefits of the Transport Rule are discussed in section VIII of the preamble to the final Transport Rule and in the Regulatory Impact Analysis to the final Transport Rule.

II. Statutory and Executive Order Reviews

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

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

1. Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

2. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

3. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

In view of its important policy implications and potential effect on the economy of over $100 million, the Transport Rule program inclusive of this proposal has been judged to be an economically ''significant regulatory action'' within the meaning of the Executive Order. Accordingly, EPA submitted the final Transport Rule and this SNPR to OMB for review under EO 12866 and EO 13563 (76 FR 3821, January 21, 2011).

In addition, EPA prepared an analysis of the potential costs and benefits for the Transport Rule program inclusive of this proposal. This analysis is contained in the Regulatory Impact Analysis (RIA) for the Transport Rule.

The RIA available in the docket describes in detail the empirical basis for EPA's assumptions and characterizes the various sources of uncertainties affecting the estimates below. In doing this, EPA adheres to EO 13563, ''Improving Regulation and Regulatory Review,'' (76 FR 3,821, January 21, 2011), which is a supplement to EO 12866. For additional information on how EPA's benefit-cost analyses conform to the requirements of EO 13563, please see section XII.A of the preamble to the final Transport Rule. EPA believes that there is no impact to the economy beyond that which is reported in the final Transport Rule.

1. What economic analyses were conducted for the rulemaking?

The analyses conducted for the Transport Rule program inclusive of this proposal provide several important analyses of impacts on public welfare. These include an analysis of the social benefits, social costs, and net benefits of the regulatory scenario. The economic analyses also address issues involving small business impacts, unfunded mandates (including impacts for Tribal governments), and energy impacts.

2. What are the benefits and costs of the transport rule program?

The benefit-cost analysis shows that substantial net economic benefits to society are likely to be achieved due to reduction in emissions and improvements in ozone and $PM_{2.5}$ ambient concentrations resulting from the Transport Rule program inclusive of this proposal. For more information on the costs and benefits for the Transport Rule program inclusive of this proposal, please refer to Table VIII.C–4 of the preamble to the final Transport Rule.

B. Paperwork Reduction Act

This action does not impose any new information collection burden beyond that reported in the final Transport Rule. The information collection requirements for the Transport Rule Program inclusive of this proposal have been submitted for approval to Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them. The Information Collection Request (ICR) submitted to OMB describes the information collection requirements associated with the final Transport Rule program inclusive of this proposal and estimates the burden of compliance with all such requirements, such as the requirement for industry to monitor, record, and report emission data to EPA. Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

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

After considering the economic impacts of the Transport Rule program inclusive of this proposal on small entities, as described in section XII.C of the preamble to the final Transport Rule, I certify that this action will not have a significant economic impact on a substantial number of small entities (No SISNOSE). This certification is based on the economic impact of the final Transport Rule and this proposal if finalized on all affected small entities across all industries affected. The

[7] This TSD for Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone in 27 States; Correction of SIP Approvals for 22 States: Final Rule is incorporated in its entirety by reference into this SNPR.

provisions of the Regulatory Flexibility Act are covered by and reported in section XII.C of the preamble to the final Transport Rule.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, requires federal agencies, unless otherwise prohibited by law, to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. The Transport Rule program inclusive of this proposal contains a Federal mandate that may result in expenditures of $100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year. Accordingly, EPA has prepared under section 202 of the UMRA a written statement that is summarized in section XII.D of the preamble to the final Transport Rule.

Consistent with the intergovernmental consultation provisions of section 204 of the UMRA, EPA held consultations with the governmental entities affected by the final Transport Rule and this proposal if finalized. As detailed in section XII.D of the preamble to the final Transport Rule, EPA participated in informational calls with the Environmental Council of the States (ECOS) and the National Governors Association to provide information about the January 7, 2011 NODA [8] directly to state and local officials and conducted consultations with federally recognized tribes prior to finalizing the final Transport Rule and issuing this SNPR for inclusion of six additional states (of which five—Iowa, Kansas, Michigan, Oklahoma, and Wisconsin—have Indian country within their boundaries).

EPA believes that no unfunded mandates have been created by the Transport Rule program inclusive of this proposal. Neither the final Transport Rule nor the provisions in this SNPR have regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

As described in section XII.E of the preamble to the final Transport Rule, EPA has concluded that the Transport Rule program inclusive of this proposal does not have federalism implications. Thus, Executive Order 13132 does not apply to the final Transport Rule or to this SNPR.

[8] 76 FR 1109 (January 7, 2011).

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

Under Executive Order 13175 (65 FR 67249, November 9, 2000), EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement. As described in section XII.F of the preamble to the final Transport Rule, EPA believes that there has been proper consultation and coordination with Indian tribal governments for the Transport Rule program inclusive of this proposal.

As required by section 7(a) of the Executive Order, EPA's Tribal Consultation Official has certified that the requirements of the Executive Order have been met in a meaningful and timely manner. A copy of the certification is included in the docket for the final Transport Rule.

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

Executive Order 13045 (62 FR 19,885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under EO 12866, and 2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of this planned rule on children, and explain why this planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

As described in section XII.G of the preamble to the final Transport Rule, the Transport Rule program inclusive of this proposal is not subject to Executive Order 13045 because it does not involve decisions that increase environmental health or safety risks that may disproportionately affect children. The EPA believes that the emissions reductions from the strategies in the Transport Rule program inclusive of this proposal will further improve air quality and will further improve children's health.

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

Executive Order 13211 (66 FR 28355, May 22, 2001) provides that agencies shall prepare and submit to the Administrator of the Office of Regulatory Affairs, OMB, a Statement of Energy Effects for certain actions identified as ''significant energy actions.'' Section 4(b) of Executive Order 13211 defines ''significant energy action'' as ''any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.'' This rule is a significant regulatory action under Executive Order 12866, and this rule is likely to have a significant adverse effect on the supply, distribution, or use of energy. EPA prepared a Statement of Energy Effects for the transport Rule program inclusive of this proposal which appears in section XII.H of the preamble to the final Transport Rule.

EPA believes that there is no impact to the energy supply beyond that which is reported for the Transport Rule program inclusive of this proposal in the final Transport Rule.

I. National Technology Transfer Advancement Act

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

require all sources to meet the applicable monitoring requirements of 40 CFR part 75. Part 75 already incorporates a number of voluntary consensus standards.

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

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority, low-income, and Tribal populations in the United States. During development of this Transport Rule program inclusive of this proposal, EPA considered its impacts on low-income, minority, and tribal communities in several ways and provided multiple opportunities for these communities to meaningfully participate in the rulemaking process. As described in section XII.J of the preamble to the final transport Rule, EPA believes that the final remedy in the Transport Rule program inclusive of this proposal addresses potential environmental justice concerns about localized hot spots and reduces ambient concentrations of pollution where they are most needed by sensitive and vulnerable populations.

EPA believes that the vast majority of communities and individuals in areas covered by the Transport Rule program inclusive of this proposal, including numerous low-income, minority, and tribal individuals and communities in both rural areas and inner cities in the eastern and central U.S., will see significant improvements in air quality and resulting improvements in health. EPA's assessment of the effects of the final Transport Rule program inclusive of this proposal on these communities is detailed in section XII.J of the preamble to the final Transport Rule. Based on this assessment, EPA concludes that we do not expect disproportionately high and adverse human health or environmental effects on minority, low-income, or tribal populations in the United States as a result of implementing the Transport Rule program inclusive of this proposal.

List of Subjects

40 CFR Part 52

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Regional haze, Reporting and recordkeeping requirements, Sulfur dioxide.

40 CFR Part 97

Administrative practice and procedure, Air pollution control, Electric utilities, Nitrogen oxides, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: July 6, 2011.

Lisa P. Jackson,

Administrator.

[FR Doc. 2011–17456 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1200]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this proposed rule is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before October 11, 2011.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1200, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (e-mail) *luis.rodriguez1@dhs.gov.*

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

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

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

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

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

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

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)	
				Existing	Modified
Unincorporated Areas of Solano County, California					
California	Unincorporated Areas of Solano County.	Sweany Creek	Approximately 375 feet upstream of the McCune Creek confluence.	None	+64
			Approximately 930 feet upstream of Timm Road.	None	+149

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Solano County

Maps are available for inspection at the Solano County Public Works Department, 675 Texas Street, Suite 5500, Fairfield, CA 94533.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Sonoma County, California, and Incorporated Areas				
Colgan Creek	Approximately 500 feet upstream of Llano Road	None	+80	City of Santa Rosa, Unincorporated Areas of Sonoma County.
	Approximately 0.98 mile upstream of Meda Avenue	None	+356	
Naval Creek	Approximately 960 feet upstream of Llano Road	None	+79	City of Santa Rosa, Unincorporated Areas of Sonoma County.
	Approximately 0.57 mile upstream of Wright Road	None	+97	
Roseland Creek	Approximately 0.5 mile downstream of Llano Road	None	+79	City of Santa Rosa, Unincorporated Areas of Sonoma County.
	Approximately 1,000 feet upstream of Dutton Avenue	None	+142	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

City of Santa Rosa

Maps are available for inspection at 100 Santa Rosa Avenue, Room 3, Santa Rosa, CA 95404.

Unincorporated Areas of Sonoma County

Maps are available for inspection at 575 Administration Drive, Room 100A, Santa Rosa, CA 95404.

Wilson County, North Carolina, and Incorporated Areas

Black Creek	At the Contentnea Creek confluence	+69	+66	Town of Black Creek, Unincorporated Areas of Wilson County.
	Approximately 50 feet upstream of U.S. Route 117	+92	+91	
Black Creek Tributary	Approximately 1,500 feet upstream of the Black Creek confluence.	+93	+92	Town of Lucama, Unincorporated Areas of Wilson County.
	Approximately 100 feet upstream of the Tributary to Black Creek Tributary confluence.	+103	+102	
Bloomery Swamp	Approximately 500 feet upstream of the Bloomery Swamp Tributary 2 confluence.	+103	+102	City of Wilson, Unincorporated Areas of Wilson County.
	At the Millstone Creek and Juniper Creek confluence	+156	+155	
Bloomery Swamp Tributary 3	Approximately 50 feet upstream of Alternate U.S. Route 264.	+133	+130	City of Wilson, Unincorporated Areas of Wilson County.
	Approximately 1,560 feet upstream of Packhouse Road (State Route 1382).	+151	+150	
Contentnea Creek	Approximately 1,800 feet downstream of North Carolina Highway 58.	+62	+59	Town of Stantonsburg, Unincorporated Areas of Wilson County.
	Approximately 0.8 mile downstream of the Little Swamp confluence.	+110	+109	
Contentnea Creek Tributary	At the Contentnea Creek confluence	+76	+77	Town of Black Creek, Unincorporated Areas of Wilson County.
	Approximately 1,920 feet upstream of Yank Road (State Route 1615).	None	+106	
Goss Swamp	At the Toisnot Swamp confluence	+62	+63	Town of Stantonsburg, Unincorporated Areas of Wilson County.
	Approximately 0.8 mile upstream of the Toisnot Swamp confluence.	+63	+64	
Hog Island Tributary	At the Toisnot Swamp confluence	+99	+98	City of Wilson, Unincorporated Areas of Wilson County.
	Approximately 50 feet downstream of Firestone Parkway (State Route 1328).	None	+109	
Hominy Swamp Tributary 1	Approximately 0.5 mile upstream of the Hominy Swamp confluence.	+86	+85	City of Wilson, Unincorporated Areas of Wilson County.
	Approximately 75 feet upstream of Tuskeegee Street	None	+131	
Little Swamp	Approximately 1.6 miles upstream of the Contentnea Creek confluence.	+117	+116	Unincorporated Areas of Wilson County.
	Approximately 140 feet upstream of Radio Tower Road (State Route 1152).	None	+163	
Marsh Swamp	Approximately 0.6 mile upstream of the Contentnea Creek confluence.	+126	+125	Unincorporated Areas of Wilson County.
	Approximately 1,600 feet upstream of the dam	None	+230	
Marsh Swamp Tributary	At the Marsh Swamp confluence	+145	+141	Unincorporated Areas of Wilson County.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 1,830 feet upstream of High Road (State Route 1148).	None	+196	
Mill Branch (into Contentnea Creek).	Approximately 1,900 feet upstream of the Contentnea Creek confluence.	+107	+108	Unincorporated Areas of Wilson County.
	Approximately 410 feet upstream of I–95	None	+140	
Millstone Creek	At the Bloomery Swamp and Juniper Swamp confluence.	+156	+155	Unincorporated Areas of Wilson County.
	Approximately 530 feet upstream of Countryside Road (State Route 1302).	+159	+160	
Shepard Branch	Approximately 0.7 mile upstream of the Contentnea Creek confluence.	+107	+106	City of Wilson, Unincorporated Areas of Wilson County.
	Approximately 0.8 mile upstream of Old Raleigh Road (State Route 1136).	None	+134	
Toisnot Swamp	Approximately 1,400 feet upstream of the Contentnea Creek confluence.	+62	+59	City of Wilson, Town of Stantonsburg, Unincorporated Areas of Wilson County.
	Approximately 0.8 mile upstream of Lake Wilson Road.	+120	+121	
Toisnot Swamp Tributary	At the Toisnot Swamp confluence	+106	+107	City of Wilson, Unincorporated Areas of Wilson County.
	Approximately 1.2 miles upstream of the Tributary 2 to Toisnot Swamp Tributary confluence.	+155	+145	
Tributary 1 to Toisnot Swamp Tributary.	At the Toisnot Swamp Tributary confluence	+134	+131	City of Wilson, Unincorporated Areas of Wilson County.
	Approximately 1,150 feet upstream of Grandy Drive	None	+152	
Tributary 2 to Toisnot Swamp Tributary.	At the Toisnot Swamp Tributary confluence	+135	+132	City of Wilson, Unincorporated Areas of Wilson County.
	Approximately 0.6 mile upstream of the Toisnot Swamp Tributary confluence.	None	+144	
Tributary to Black Creek Tributary.	At the Black Creek Tributary confluence	+103	+102	Town of Lucama, Unincorporated Areas of Wilson County.
	Approximately 330 feet upstream of Little Rock Church Road (State Route 1649).	None	+118	
Whiteoak Swamp	At the Buck Branch confluence	+79	+80	Unincorporated Areas of Wilson County.
	Approximately 800 feet upstream of the Mill Branch (into Whiteoak Swamp) confluence.	+83	+84	
Whiteoak Swamp Tributary	At the Whiteoak Swamp confluence	+81	+82	Unincorporated Areas of Wilson County.
	Approximately 160 feet upstream of Etheridge Road (State Route 1522).	None	+88	
Wiggins Mill Tributary	Approximately 0.4 mile upstream of Forest Hills Road	+100	+99	City of Wilson, Unincorporated Areas of Wilson County.
	Approximately 1.7 miles upstream of Forest Hills Road.	+116	+120	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

City of Wilson

Maps are available for inspection at City Hall, 112 Goldsboro Street, Wilson, NC 27893.

Flooding source(s)	Location of referenced elevation **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Town of Black Creek
Maps are available for inspection at the Town Hall, 112 West Center Street, Black Creek, NC 27813.
Town of Lucama
Maps are available for inspection at the Town Hall, 111 South Main Street, Lucama, NC 27851.
Town of Stantonsburg
Maps are available for inspection at the Town Hall, 108 East Commercial Avenue, Stantonsburg, NC 27883.

Unincorporated Areas of Wilson County
Maps are available for inspection at the Wilson County Manager's Office, 2201 Miller Road South, Wilson, NC 27893.

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

Dated: June 15, 2011.

Sandra K. Knight,

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

[FR Doc. 2011–17342 Filed 7–8–11; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 0808061074–81147–01]

RIN 0648–AW66

Fisheries in the Western Pacific; Pelagic Fisheries; Purse Seine Prohibited Areas Around American Samoa

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

ACTION: Disapproval of fishery ecosystem plan amendment and withdrawal of proposed rule.

SUMMARY: NMFS announces that it has disapproved proposed Amendment 3 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP) that would have prohibited purse seine fishing within 75 nm of shore around American Samoa. Therefore, NMFS withdraws the proposed rule for Amendment 3.

FOR FURTHER INFORMATION CONTACT: Adam Bailey, NMFS, (808) 944–2248.

SUPPLEMENTARY INFORMATION: In Amendment 3 to the FEP, the Council recommended that NMFS prohibit purse seine fishing in the EEZ within 75 nm of shore around American Samoa. Fishing by all U.S. vessels 50 ft and longer, including purse seiners, is currently prohibited within 50 nm of shore. Amendment 3 would have extended the boundaries of the prohibited areas offshore an additional 25 nm specifically for purse seine fishing. The recommended additional prohibited areas were intended to prevent localized stock depletion by purse seine fishing, and to reduce catch competition and gear conflicts between U.S. purse seine vessels and American Samoa-based local longline and trolling fleets.

NMFS disapproved Amendment 3 on July 5, 2011, because the proposed measures were inconsistent with the Magnuson-Stevens Fishery Management and Conservation Act's National Standard 2. National Standard 2 requires conservation and management measures to be based on the best scientific information available, and requires that fishery actions be founded on thorough analyses that allow NMFS to conclude that the selected alternative will accomplish necessary and appropriate conservation and management objectives. The Council's recommendation found inadequate support in the scientific evidence presented to NMFS. As a result of disapproving Amendment 3, NMFS will not publish a final rule to implement the proposed prohibited areas.

NMFS hereby withdraws the proposed rule (76 FR 23964, April 29, 2011).

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

Dated: July 5, 2011.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–17357 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648–XA421

Fisheries of the Exclusive Economic Zone Off Alaska; Scallops

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

ACTION: Notice of availability of a fishery management plan amendment; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) announces that the North Pacific Fishery Management Council (Council) has submitted Amendment 13 to the Fishery Management Plan for the Scallop fishery off Alaska (FMP) for review by the Secretary of Commerce (Secretary). If approved, Amendment 13 would implement an annual catch limit (ACL) and accountability measures (AMs) to prevent overfishing in the target fishery for weathervane scallops. Implementing these measures would require revising the maximum sustainable yield (MSY) and the optimum yield (OY) for weathervane scallops to account for total catch. Amendment 13 would also clarify that, in the absence of a statewide estimate of spawning biomass for weathervane scallops, the overfishing level (OFL) is specified as the MSY. Under Amendment 13, scallop species not targeted in the fishery would be classified as Ecosystem Component (EC) species. Amendment 13 is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the FMP, and other applicable laws.

DATES: Written comments on Amendment 13 must be received on or before 5 p.m., Alaska local time, on September 9, 2011.

ADDRESSES: Send comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, *Attn:* Ellen Sebastian. You may submit comments, identified by RIN 0648–XA421, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov.*
- *Fax:* (907) 586–7557.
- *Mail:* P.O. Box 21668, Juneau, AK 99802.
- *Hand delivery to the Federal Building:* 709 West 9th Street, Room 420A, Juneau, AK.

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) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of Amendment 13 and the Environmental Assessment prepared for this action may be obtained from the Federal eRulemaking Portal *http://www.regulations.gov* or from the Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Peggy Murphy or Gretchen Harrington, 907–586–7228.

SUPPLEMENTARY INFORMATION:

The Magnuson-Stevens Act requires that each regional fishery management council submit any FMP or FMP amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. This notice of availability announces that proposed Amendment 13 to the FMP is available for public review and comment.

The Council developed the FMP under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*), and it was approved by the Secretary on July 26, 1995. The scallop fisheries in the U.S exclusive economic zone off Alaska are jointly managed according to the FMP and implementing regulations issued by NMFS or the State of Alaska (State). The FMP delegates many management measures for the scallop fisheries to the State with Federal oversight. Under the FMP, the State sets a guideline harvest level (GHL) for each scallop registration area and manages each fishery inseason to the corresponding GHL. The GHL is an amount of harvest the managers determine acceptable for the upcoming fishing year. The GHL for each scallop fishery is set within the applicable guideline harvest range, which the State has established in regulations.

The FMP covers all scallop stocks off Alaska. Weathervane scallops are currently the only scallop species targeted in commercial fisheries. All other scallop species, including pink, spiny, and rock scallops, are not targeted but occasionally occur as bycatch in the weathervane scallop fisheries.

Amendment 13 was unanimously adopted by the Council in October 2010. Amendment 13 would (1) revise the MSY and OY to include all fishing mortality; (2) specify that the OFL equals the MSY in the absence of a statewide estimate of spawning biomass for weathervane scallops; (3) specify an acceptable biological catch (ABC) control rule to account for uncertainty in the OFL; (4) set the ACL equal to the ABC; (5) specify accountability measures to prevent catch from exceeding the ACL and to correct for an overage if the ACL is exceeded; and (6) create an EC category for non-target scallop species. With adoption of Amendment 13, the Council intended to bring the FMP into compliance with the new requirements of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2007.

The Magnuson-Stevens Act establishes, either expressly or by logical extension, four basic requirements that prompted the Council's recommendation to amend the FMP. The Guidelines for National Standard 1 of the Magnuson-Stevens Act (50 CFR 600.310; NS 1 Guidelines) provide guidance to regional fishery management councils about how to satisfy the obligations of the Magnuson-Stevens Act relative to preventing overfishing and establishing an ABC and ACL. The following is a summary of these four requirements.

1. For stocks in the fishery, the FMP must establish a mechanism for specifying an ACL that will prevent overfishing;
2. For each stock or stock complex in the fishery, the FMP must establish an ABC control rule that accounts for relevant sources of scientific uncertainty;
3. The Council's Scientific and Statistical Committee (SSC) must provide the Council with scientific advice on the ABC control rule and periodic recommendations for specifying the ABC for each stock or stock complex in the fishery; and
4. The FMP must establish accountability measures that prevent exceeding the ACL and correct overages of the ACL if they do occur.

The Council designed Amendment 13 to address these requirements while maintaining the FMP's cooperative State and Federal management structure, to the extent possible.

Maximum Sustainable Yield, Optimum Yield, and Overfishing Level

Currently, the FMP specifies an MSY and OY range that reflect only the retained catch in the weathervane scallop fishery. Amendment 13 would revise the retained catch MSY and OY range to reflect total catch by encompassing all sources of scallop fishing mortality, including discards in the directed scallop fishery, bycatch in the groundfish fisheries, and mortality associated with research surveys. The additional fishing mortality from these other sources was estimated as 3.6 percent of the annual retained catch. The statewide weathervane scallop MSY would be revised from 1.24 million pounds (562 metric tons) to 1.284 million pounds (582 metric tons) of shucked meats. The OY is estimated statewide with an upper bound of the MSY. Amendment 13 would also revise the weathervane scallop OY range to be 0 to 1.284 million pounds (582 metric tons) of shucked meats.

Currently, the FMP specifies an overfishing control rule for weathervane scallops stocks as a fishing rate in excess of the natural mortality rate. If an estimate of the statewide weathervane scallop spawning biomass was available, the overfishing control rule would be applied to that estimate to determine the OFL. An estimate of the statewide weathervane scallop spawning biomass is not currently available, however, which prevents application of the overfishing control rule to annually determine the OFL. Therefore, until such an estimate of

spawning biomass is available, Amendment 13 would specify a default OFL equal to the MSY of 1.284 million pounds. The OFL would be set statewide because the best available information indicates that there is one statewide stock of weathervane scallops and the information necessary to set regional OFLs is not available. In practice, the statewide MSY has functioned as the OFL since 1996. The average annual weathervane scallop catch since 1996 has been less than half of the MSY.

Acceptable Biological Catch and Annual Catch Limit

Amendment 13 would establish an ABC control rule and set the ACL equal to the ABC. Annually, the ABC control rule would be used to set the maximum ABC for the statewide weathervane scallop stock at 90 percent of the OFL. This 10 percent buffer would reduce the risk of overfishing occurring in the weathervane scallop fishery.

The ABC is set to account for the scientific uncertainty in the estimate of the OFL. Lacking a stock assessment model, the sources of scientific uncertainty in the scallop OFL estimate are not directly quantifiable at this time. Therefore, under Amendment 13, scientific uncertainty in the OFL estimate is incorporated in the size of the buffer between the OFL and the ABC.

Scientific and Statistical Committee

The Council's SSC would annually establish the ABC for weathervane scallops through the following process. The Scallop Plan Team meets shortly after the scallop fishing season concludes to compile the Stock Assessment and Fishery Evaluation (SAFE) report. The SAFE includes stock assessments, fishery information, and reference points. The Scallop Plan Team would evaluate whether the total catch exceeded the ACL in the previous fishing season. The Scallop Plan Team would then calculate the maximum ABC using the ABC control rule for the upcoming fishing season. The Scallop Plan Team may recommend that the SSC set an ABC lower than the maximum ABC, but it should provide an explanation for such a recommendation.

The SSC would then review the SAFE and recommendations from the Scallop Plan Team. The SSC would set a statewide ABC for the directed weathervane scallop fishery prior to the beginning of the fishing season. The SSC may set an ABC lower than the maximum ABC calculated using the ABC control rule, but it must provide an explanation for why a lower ABC was set.

Accountability Measures

Amendment 13 would establish AMs to prevent ACLs from being exceeded and to correct overages of the ACL if they do occur. First, under Amendment 13, the State would establish the annual GHL for each scallop management area at a level sufficiently below the ACL so that the sum of the directed scallop fishery removals and estimated discard mortality in directed scallop and groundfish fisheries does not exceed the ACL.

Second, the inseason management measures that prevent catch from exceeding the GHL, and have been a part of management of the weathervane scallop fishery since the inception of this FMP, would also prevent catch from exceeding the ACL. State management requires 100 percent observer coverage of all vessels in the weathervane scallop fishery. Fishery observers provide inseason data on catch and bycatch. Managers monitor inseason fisheries landings and observer data and have the authority to close a fishery inseason to prevent catch from exceeding the GHL.

Third, if total catch does exceed the ACL, State managers would account for the overage through a downward adjustment to the GHL in the following season by an amount sufficient to remedy the biological consequences of the overage.

Ecosystem Component

Under the NS 1 Guidelines, all stocks in an FMP are considered to be ''in the fishery,'' unless they are identified as EC species through an FMP amendment process. Council review of the FMP determined that weathervane scallops are ''in the fishery'' as they are targeted and retained for sale. Amendment 13 would establish an EC category in the FMP that contains all non-targeted scallop species, including pink or reddish scallops, spiny scallops, and rock scallops.

Non-targeted scallops are managed under the scallop FMP but are not generally retained in commercial scallop fisheries off Alaska. These non-target scallop species occupy habitats at different depths than the targeted weathervane scallops; therefore NMFS does not anticipate that incidental catch in the weathervane scallop fishery would pose a serious risk to these stocks. The best available scientific information does not indicate that any of the non-target scallop species are overfished, subject to overfishing or approaching an overfished condition, or likely to become overfished if placed in the EC category.

According to the NS 1 Guidelines, no reference points are required for EC species; however, under Amendment 13, these species would be monitored to ensure they are not targeted and that incidental catch does not reach a point where there are concerns for the sustainability of these stocks. Harvest limits and related management measures would be developed and implemented prior to developing a fishery for any of these species.

An Environmental Assessment was prepared for Amendment 13 that provides detailed descriptions of the scallop fishery management background, the purpose and need for action, the management alternatives evaluated to address this action, and the environmental, social, and economic impacts of the alternatives (see **ADDRESSES**).

NMFS solicits public comments on Amendment 13 and associated documents. Public comments on Amendment 13 must be received, not just postmarked or otherwise transmitted, by the close of business on the last day of the comment period (see DATES). Comments received by the end of the comment period will be considered in the decision to approve, disapprove, or partially approve Amendment 13. Comments received after that date will not be considered.

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

Dated: July 5, 2011.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–17360 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 76, No. 132
Monday, July 11, 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

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to P & M Plastics, Inc. of Mountainair, New Mexico, an exclusive license to the Federal Government's rights in U.S. Patent No. 6,632,387, ''METHOD FOR MAKING WOOD AND PLASTIC COMPOSITE MATERIAL'', issued on October 14, 2003.

DATES: Comments must be received on or before August 10, 2011.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; *telephone:* 301–504–5989.

SUPPLEMENTARY INFORMATION: The patent rights in this invention are co-owned by the United States of America, as represented by the Secretary of Agriculture, and P & M Plastics, Inc. of Mountainair, New Mexico. The prospective exclusive license will grant to the co-owner, P & M Plastics, Inc., an exclusive license to the Federal Government's patent rights. It is in the public interest to so license this invention as P & M Plastics, Inc. has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard J. Brenner,

Assistant Administrator.

[FR Doc. 2011–17321 Filed 7–8–11; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Information Collection; United States Warehouse Act (USWA)

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is seeking comments from all interested individuals and organizations on an extension with a revision of a currently approved information collection process associated with the regulations, licensing, and electronic provider agreements issued as specified in the United States Warehouse Act (USWA).

DATES: We will consider comments that we receive by September 9, 2011.

ADDRESSES: We invite you to submit comments on this Notice. In your comment, include volume, date and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

Mail: Judy Fry, Agricultural Marketing Specialist, Commodity Operations Division, Farm Service Agency (FSA), United States Department of Agriculture, STOP 0553, 1400 Independence Avenue, SW., Washington, DC 20250–0553.

Fax: (202) 690–3123.

E-mail: Send comments to: *Judy.Fry@wdc.usda.gov.*

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, OMB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Judy Fry, phone: (202) 720–3822. Persons with disabilities who require alternative means for communication of regulatory information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Title: United States Warehouse Act (USWA).

OMB Control Number: 0560–0120.

Expiration Date of Approval: December 31, 2011.

Type of Request: Extension with a revision of a currently approved information collection.

Abstract: The Secretary of Agriculture authorizes FSA as specified in the USWA to license public warehouse operators that are in the business of storing agricultural products; to examine such federally-licensed warehouses and to license qualified persons to sample, inspect, weigh, and classify agricultural products. The FSA licenses under the USWA over half of all commercial grain and cotton warehouse capacities in the United States. The regulations as issued govern the establishment and maintenance of electronic systems under which electronic documents including title documents on shipment, payment and financing that may be issued or transferred for any agricultural product.

This information collection allows the FSA to effectively administer the regulations, licensing, and electronic provider agreements and related reporting and recordkeeping requirements as specified in the USWA.

The forms in this information collection are used to provide those charged with issuing licenses under the USWA a basis to determine whether the warehouse and the warehouse operator meet application requirements to receive a license, and to determine compliance once the license is issued.

This information collection package is being revised to reflect the addition of two new forms and the deletion of several forms that were previously developed and cleared, but were never utilized and therefore determined to be unnecessary.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 0.41 hours per response.

Respondents: Warehouse operators and electronic providers.

Estimated Number of Respondents: 3,500.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 22,890.

Estimated Total Annual Burden on Respondents: 9,488 hours.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used;

(3) Evaluate the quality, utility, and clarity of the information technology;

(4) Minimize the burden of the information collection on those who are to respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be made a matter of public record. Comments will be summarized and included in the request for OMB approval of the information collection.

Signed: July 1, 2011.

Bruce Nelson,

Administrator, Farm Service Agency.

[FR Doc. 2011–17254 Filed 7–8–11; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Pennington County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Pennington County Recource Advisory Committee will meet in Rapid City, SD. 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 receive, review and make recommendations for approval of project proposals.

DATES: The meeting will be held July 26, 2011, at 5 p.m.

ADDRESSES: The meeting will be held at the Mystic Ranger District Office at 8221 South Highway 16. Written comments should be sent to Robert J. Thompson, 8221 South Highway 16, Rapid City, SD 57702. Comments may also be sent via e-mail to *rjthompson@fs.fed.us,* or via facsimile to 605–343–7134.

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 Mystic Ranger District office. Visitors are encouraged to call ahead at 605–343–1567 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Robert J. Thompson, District Ranger, Mystic Ranger District, 605–343–1567.

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: Meetings are open to the public. The following business will be conducted: receive, review and make recommendations for approval of project proposals.

Persons who wish to bring project proposals and/or other matters to the attention of the Committee may submit written proposals to the Committee staff before or after the meeting.

Dated: June 30, 2011.

Craig Bobzien,

Forest Supervisor.

[FR Doc. 2011–17275 Filed 7–8–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Hiawatha West Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Hiawatha West Resource Advisory Committee will meet in Rapid River, Michigan. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose is to hold the second meeting of the newly formed committee.

DATES: The meeting will be held on July 21, 2011, and will begin at 5:30 p.m.

ADDRESSES: The meeting will be held at the Masonville Township Offices, 10574 North Main Street, Rapid River, MI 49878. Written comments should be sent to Janel Crooks, Hiawatha National Forest, 2727 North Lincoln Road, Escanaba, MI 49829. Comments may also be sent via e-mail to *HiawathaNF@fs.fed.us,* or via facsimile to 906–789–3311.

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 Hiawatha National Forest, 2727 North Lincoln Road, Escanaba, MI. Visitors are encouraged to call ahead to 906–786–4062 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Janel Crooks, RAC coordinator, USDA, Hiawatha National Forest, 2727 North Lincoln Road, Escanaba, Michigan 49862; (906) 786–4062; E-mail *jmcrooks@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) Review of proposed projects; (2) Vote to recommend projects if appropriate. 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: June 30, 2011.

Mary B. Maercklein,

NEPA Team Leader.

[FR Doc. 2011–17204 Filed 7–8–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Lyon-Mineral Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lyon-Mineral Resource Advisory Committee will meet in Hawthorne, NV. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review project proposals that were submitted by the June 3, 2011 deadline and vote to determine which projects will be recommended for funding.

DATES: The meeting will be held July 22, 2011, 9 a.m.

ADDRESSES: The meeting will be held at the Mineral County Library, located at 110 1st Street, Hawthorne, NV 89415. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**.

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 Bridgeport Ranger Station, Bridgeport, CA. Please call ahead to 760–932–5853 to facilitate entry into the building to view comments.

FOR FURTHER INFORMATION CONTACT: Sherri Lisius, RAC Coordinator, Bridgeport Ranger District, 760–932–5853, *sherrilisius@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. Requests for reasonable accomodation for access to the facility or procedings may be made by contacting the person listed For Further Information.

SUPPLEMENTARY INFORMATION: The following business will be conducted: The following business will be conducted: Acceptance of notes from 06/17/11 meeting, review of and vote on projects, and public comments. A full agenda may be found at *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf,* by selecting the Lyon-Mineral RAC at the bottom of the Web page. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 15, 2011 to be scheduled on the agenda. Written comments and requests for time for oral comments must be sent to Sherri Lisius, Forest Service, HC 62 Box 1000, Bridgeport, CA 93517, or by e-mail to *sherrilisius@fs.fed.us,* or via facsimile to 760–932–5899.

Dated: July 1, 2011.

Jeanne Higgins,

Forest Supervisor.

[FR Doc. 2011–17145 Filed 7–8–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Household Water Well System Grant Program Announcement of Application Deadlines and Funding

AGENCY: Rural Utilities Service, Department of Agriculture.

ACTION: Notice of funding availability and solicitation of applications.

SUMMARY: The Rural Utilities Service (RUS) announces the availability of $2,173,662 in grant funds to be competitively awarded for the Household Water Well System (HWWS) Grant Program for fiscal year 2011 (FY 2011). RUS will make grants to qualified private non-profit organizations to establish lending programs for homeowners to borrow up to $11,000 to construct or repair household water wells for an existing home. The HWWS Grant Program regulations are contained in 7 CFR part 1776.

DATES: The deadline for completed applications for a HWWS grant is August 10, 2011. Applications in either paper or electronic format must be postmarked or time-stamped electronically on or before the deadline. Late applications will be ineligible for grant consideration.

ADDRESSES: Submit applications to the following addresses:

1. *Electronic applications. http://www.grants.gov* (Grants.gov). Submit electronic applications through Grants.gov, following the instructions on that Web site.

2. *Paper applications.* Water Programs Division, Rural Utilities Service, STOP: 1570, Room 2233–S, 1400 IndependenceAve., SW., Washington, DC 20250–1570.

Obtain application guides and materials for the HWWS Grant Program electronically or in paper format from the following addresses:

1. *Electronic copies: http://www.rurdev.usda.gov/UWP-individualwellsystems.htm.*

2. *Paper copies:* Write Water Programs Division, Rural Utilities Service, STOP: 1570, Room 2233–S, 1400 Independence Ave., SW., Washington, DC 20250–1570 or call (202) 720–9589.

FOR FURTHER INFORMATION CONTACT: Cheryl Francis, Community Programs Specialist, Water Programs Division, Water and Environmental Programs. Telephone: (202) 720–1937, fax: (202) 690–0649, e-mail: *cheryl.francis@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service.

Funding Opportunity Title: HWWS Grant Program.

Announcement Type: Grant—Initial.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.862.

Due Date for Applications: August 10, 2011.

Items in Supplementary Information

I. Funding Opportunity: Description of the HWWS Grant Program.

II. Award Information: Available funds.

III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.

VI. Award Administration Information: Award notice information, award recipient reporting requirements.

VII. Agency Contacts: Web, phone, fax, e-mail, contact name.

I. Funding Opportunity

A. Program Description

The HWWS Grant Program has been established to help individuals with low to moderate incomes finance the costs of household water wells that they own or will own. The HWWS Grant Program is authorized under Section 306E of the Consolidated Farm and Rural Development Act (CONACT), 7 U.S.C. 1926e. The CONACT authorizes the RUS to make grants to qualified private non-profit organizations to establish lending programs for household water wells.

As the grant recipients, private non-profit organizations will receive HWWS grants to establish lending programs that will provide water well loans to individuals. The individuals, as loan recipients, may use the loans to construct, refurbish, and service their household well systems. A loan may not exceed $11,000 and will have a term up to 20 years at a one percent annual interest rate.

B. Background

The RUS supports the sound development of rural communities and the growth of our economy without endangering the environment. The RUS

provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to Rural Americans in greatest need.

Central water systems may not be the only or best solution to drinking water problems. Distance or physical barriers make public central water systems costly to deploy in remote areas. A significant number of geographically isolated households without water service might require individual wells rather than connections to new or existing community systems. The goal of the RUS is not only to make funds available to those communities most in need of potable water but also to ensure that facilities used to deliver drinking water are safe and affordable. There is a role for private wells in reaching this goal.

C. Purpose

The purpose of the HWWS Grant Program is to provide funds to private non-profit organizations to assist them in establishing loan programs from which individuals may borrow money for HWWS. Faith-based organizations are eligible and encouraged to apply for this program. Applicants must show that the project will provide technical and financial assistance to eligible individuals to remedy household well problems.

Due to the limited amount of funds available under the HWWS Grant Program, 10 applications may be funded from FY 2011 funds. Applications from existing HWWS grant recipients are acceptable and will be evaluated as new applications.

II. Award Information

Funding Instrument Type: Grant.

Anticipated Total Priority Area Funding: Undetermined at this time.

Anticipated Number of Awards: 10.

Length of Project Periods: 12-month project.

Assistance Instrument: Grant Agreement with successful applicants before any grant funds are disbursed.

III. Eligibility Information

A. Who is eligible for grants?

1. An organization is eligible to receive a HWWS grant if it:

a. Has an active registration with current information in the Central Contractor Registration (CCR) database and has a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.

b. Is a private, non-profit organization.

c. Is legally established and located within one of the following:

(1) A state within the United States

(2) The District of Columbia

(3) The Commonwealth of Puerto Rico

(4) A United States territory

d. Has the legal capacity and authority to carry out the grant purpose;

e. Has sufficient expertise and experience in lending activities;

f. Has sufficient expertise and experience in promoting the safe and productive use of individually-owned HWWS and ground water;

g. Has no delinquent debt to the Federal Government or no outstanding judgments to repay a Federal debt;

h. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements.

2. An individual is ineligible to receive a Household Water Well grant. An individual may receive a loan from an organization receiving a grant award.

B. What are the basic eligibility requirements for a project?

1. *Project Eligibility.* To be eligible for a grant, the project must:

a. Be a revolving loan fund created to provide loans to eligible individuals to construct, refurbish, and service individually-owned HWWS (*see* 7 CFR 1776.11 and 1776.12). Loans may not be provided for home sewer or septic system projects.

b. Be established and maintained by a private, non-profit organization.

c. Be located in a rural area. Rural area is defined as locations other than cities or towns of more than 50,000 people and the contiguous and adjacent urbanized area of such towns and cities.

2. *Required Matching Contributions.* Grant applicants must provide written evidence of a matching contribution of at least 10 percent from sources other than the proceeds of a HWWS grant. In-kind contributions will not be considered for the matching requirement. Please see 7 CFR 1776.9 for the requirement.

3. *Other—Requirements.*

a. DUNS numbers and CCR Registration. Applicants must have Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) numbers and be registered in the Central Contractor Registration (CCR) database prior to submitting an electronic or a paper application. The DUNS numbers and CCR requirements are contained in 2 CFR part 25. CCR is the repository for standard information about applicants and recipients.

b. DUNS Number. An organization must have a DUNS number and include the number in its Application for Federal Assistance. A DUNS number will be required whether an applicant is submitting a paper application or an electronic application through Grants.gov. To verify that your organization has a DUNS number or to receive one from D&B at no cost, call the dedicated toll-free request line at 1–866–705–5711 or visit *http://fedgov.dnb.com/webform/* on the Internet.

c. Central Contractor Registry (CCR).

(1) In accordance with 2 CFR part 25, applicants, whether applying electronically or by paper, must be registered in the CCR prior to submitting an application. Applicants may register for the CCR at *https://www.uscontractorregistration.com/* or by calling 1–877–252–2700. Completing the CCR registration process takes up to five business days, and applicants are strongly encourage to begin the process well in advance of the deadline specified in this notice.

(2) The CCR registration must remain active, with current information, at all times during which an entity has an application under consideration by an agency or has an active Federal Award. To remain registered in the CCR database after the initial registration, the applicant is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR database to ensure it is current, accurate and complete.

d. Eligibility for Loans Provided by Grant Recipients. Individuals are not eligible for grants but are eligible for loans from organizations receiving grant awards under the HWWS Program. Eligibility to receive a HWWS loan will be based on the following criteria:

(1) An individual must be a member of a household of which the combined household income of all members does not exceed 100 percent of the median non-metropolitan household income for the State or territory in which the individual resides. Household income is the total income from all sources received by each adult household member for the most recent 12-month period for which the information is available. It does not include income earned or received by dependent children under 18 years old or other benefits that are excluded by Federal law. The non-metropolitan household income must be based on the most recent decennial census of the United States.

RUS publishes a list of income exclusions in 7 CFR 3550.54(b). Also, the Department of Housing and Urban Development published a list of income exclusions in the **Federal Register** on April 20, 2001 at 66 FR 20318 (*See* ''Federally Mandated Exclusions'').

(2) The loan recipient must own and occupy the home being improved with the proceeds of the Household Water Well loan or be purchasing the home to occupy under a legally enforceable land purchase contract which is not in default by either the seller or the purchaser.

(3) The home being improved with the water well system must be located in a rural area.

(4) The loan for a water well system must not be associated with the construction of a new dwelling.

(5) The loan must not be used to substitute a water well system for water service available from collective water systems. (For example, a loan may not be used to restore an old well abandoned when a dwelling was connected to a water district's water line.)

(6) Not be suspended or debarred from participation in Federal programs.

IV. Application and Submission Information

A. Where To Get Application Information

The Household Water Well System Grant Application Guide (Application Guide), copies of necessary forms and samples, and the HWWS Grant Program regulation are available from these sources:

1. Internet for electronic copies: *http://www.grants.gov* or *http://www.rurdev.usda.gov/UWP-individualwellsystems.htm;*

2. Water and Environmental Programs for paper copies: RUS, Water Programs Division, STOP 1570, Room 2233–S, 1400 Independence Ave SW., Washington, DC 20250–1570, Telephone: (202) 720–9589, Fax: (202) 690–0649.

B. Content and Form of Application Submission

1. *Rules and Guidelines:*

a. Detailed information on each item required can be found in the HWWS Grant Program regulation (7 CFR part 1776) and the Application Guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide. This Notice does not change the requirements for a completed application for any form of HWWS financial assistance specified in the regulation. The regulation and application guide provide specific guidance on each of the items listed.

b. Applications should be prepared in conformance with the provisions in 7 CFR part 1776, subpart B, and applicable regulations including 7 CFR parts 3015 and 3019. Applicants should use the application guide which contains instructions and other important information in preparing their application. Completed applications must include the items found in the checklist in the next paragraph.

2. *Checklist of Items in Completed Application Packages:*

a. The application process—electronic or paper—requires a DUNS number and an active registration in the Central Contractor Registry (CCR).

(1) You will need a DUNS number first to access or register at any of the services. To verify that your organization has a DUNS number or to receive one from D&B at no cost, call the dedicated toll-free request line at 1–866–705–5711 or visit *http://fedgov.dnb.com/webform/* on the Internet.

(2) Your organization must be listed in the CCR. If you have not used Grants.gov before, you will need to register with the CCR and the Credential Provider. You may register for the CCR by calling the CCR Assistance Center at 1–888–227–2423 or you may register online at *http://www.ccr.gov.* New registrations can take 3–5 business days to process in CCR. Updating or renewing an active registration has a shorter turnaround, 24 hours. Setting up a CCR listing is a one-time procedure with annual updates. Registrations in CCR are active for one year. The CCR registers your organization, housing your organizational information and allowing Grants.gov to use the information to verify your identity. The DUNS number, Taxpayer Identification Number (TIN), and name and address of the applicant organization must match CCR data files.

RUS strongly recommends obtaining a DUNS number and listing the applicant organization in the Central Contractor Registry (CCR) well in advance of the deadline specified in this notice.

b. The electronic and paper application process requires forms with the prefixes RD and SF as well as supporting documents and certifications.

Application Items

1. SF–424, ''Application for Federal Assistance''.

2. SF–424A, ''Budget Information—Non-Construction Programs''.

3. SF–424B, ''Assurances—Non-Construction Programs''.

4. SF–LLL, ''Disclosure of Lobbying Activity''.

5. Form RD 400–1, ''Equal Opportunity Agreement''.

6. Form RD 400–4, ''Assurance Agreement (Under Title VI, Civil Rights Act of 1964).

7. Project Proposal, Project Summary, Needs Assessment, Project Goals and Objectives, Project Narrative.

8. Work Plan.

9. Budget and Budget Justification.

10. Evidence of Legal Authority and Existence.

11. Documentation of private non-profit status and Internal Revenue Service (IRS) Tax Exempt Status.

12. List of Directors and Officers.

13. Financial information and sustainability (narrative).

14. Assurances and Certifications of Compliance with Other Federal Statutes.

The forms in items 1 through 6 must be completed and signed where appropriate by an official of your organization who has authority to obligate the organization legally. RD forms are used by programs under the Rural Development mission area. Standard forms (SF) are used Government-wide. In addition to the sources listed in section A, the forms may be accessed electronically through the Rural Development Web site at *http://www.rurdev.usda.gov/FormsAndPublications.html.*

See section V, ''Application Review Information,'' for instructions and guidelines on preparing Items 7 through 13.

3. *Compliance with Other Federal Statutes.* The applicant must provide evidence of compliance with other Federal statutes and regulations, including, but not limited to the following:

a. 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

b. 7 CFR part 3015—Uniform Federal Assistance Regulations.

c. 7 CFR part 3017—Governmentwide Debarment and Suspension (Non-procurement).

d. 7 CFR part 3018—New Restrictions on Lobbying.

e. 7 CFR part 3019—Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Non-profit Organizations.

f. 7 CFR part 3021—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

g. Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *http://www.LEP.gov.*

h. Federal Obligation Certification on Delinquent Debt.

C. How many copies of an application are required?

1. *Applications Submitted on Paper.* Submit one signed original and two additional copies. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, and have original signatures. Do not include organizational brochures or promotional materials.

2. *Applications Submitted Electronically.* Additional paper copies are unnecessary if the application is submitted electronically through *http://www.grants.gov.*

D. How and Where To Submit an Application

1. *Submitting Paper Applications.*

a. For paper applications mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date to: RUS, Water Programs Division, STOP 1570, Room 2233–S, 1400 Independence Ave., SW., Washington, DC 20250–1570, Telephone: (202) 720–9589.

Submit paper applications marked ''Attention: Water and Environmental Programs.''

b. Applications must show proof of mailing or shipping by one of the following:

(1) A legibly dated U.S. Postal Service (USPS) postmark;

(2) A legible mail receipt with the date of mailing stamped by the USPS; or

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

c. If a deadline date falls on a weekend, it will be extended to the following Monday. If the date falls on a Federal holiday, it will be extended to the next business day.

d. Due to screening procedures at the Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents and delay delivery. RUS encourages applicants to consider the impact of this procedure in selecting an application delivery method.

2. *Submitting Electronic Applications.*

a. Applications will not be accepted by fax or electronic mail.

b. Electronic applications for grants will be accepted if submitted through Grants.gov at *http://www.grants.gov.*

c. Applicants must preregister successfully with Grants.gov to use the electronic applications option. Application information may be downloaded from Grants.gov without preregistration.

d. Applicants who apply through Grants.gov should submit their electronic applications before the deadline.

e. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application.

f. Grants.gov has two preregistration requirements: A DUNS number and an active registration in the Central Contractor Registry (CCR). See the ''Checklist of Items in Completed Application Packages'' for instructions on obtaining a DUNS number and registering in the CCR.

g. You must be registered with Grants.gov before you can submit an electronic grant application.

(1) You must register at *https://apply.grants.gov/OrcRegister.*

(2) Organization registration user guides and checklists are available at *http://www.grants.gov/applicants/get_registered.jsp.*

(3) Grants.gov requires some credentialing and online authentication procedures. When an applicant organization is registered with CCR, the organization designates a point of contact who receives a password authorizing the person to designate staff members who are allowed to submit applications electronically through Grants.gov. These authorized organization representatives must be registered with Grants.gov to receive a username and password to submit applications. These procedures may take several business days to complete.

(4) Some or all of the CCR and Grants.gov registration, credentialing and authorizations require updates. If you have previously registered at Grants.gov to submit applications electronically, please ensure that your registration, credentialing and authorizations are up to date well in advance of the grant application deadline.

h. To use Grants.gov:

(1) Follow the instructions on the Web site to find grant information.

(2) Download a copy of an application package.

(3) Complete the package off-line.

(4) Upload and submit the application via the Grants.gov Web site.

(5) If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the Grants.gov Web site.

(6) Again, RUS encourages applicants to take early action to complete the sign-up, credentialing and authorization procedures at *Grants.gov* before submitting an application at the Web site.

E. Deadlines

The deadline for paper and electronic submissions is August 10, 2011. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than the closing date to be considered for FY 2011 grant funding. Electronic applications must have an electronic date and time stamp by midnight of August 10, 2011 to be considered on time. RUS will not accept applications by fax or e-mail. Applications that do not meet the criteria above are considered late applications and will not be considered. RUS will notify each late applicant that its application will not be considered.

F. Funding Restrictions

1. *Eligible Grant Purposes*

a. Grant funds must be used to establish and maintain a revolving loan fund to provide loans to eligible individuals for household water well systems.

b. Individuals may use the loans to construct, refurbish, rehabilitate, or replace household water well systems up to the point of entry of a home. Point of entry for the well system is the junction where water enters into a home water delivery system after being pumped from a well.

c. Grant funds may be used to pay administrative expenses associated with providing Household Water Well loans.

2. *Ineligible Grant Purposes.*

a. Administrative expenses incurred in any calendar year that exceeds 10 percent of the household water well loans made during the same period do not qualify for reimbursement.

b. Administrative expenses incurred before RUS executes a grant agreement with the recipient do not qualify for reimbursement.

c. Delinquent debt owed to the Federal Government does not qualify for reimbursement.

d. Grant funds may not be used to provide loans for household sewer or septic systems.

e. Household Water Well loans may not be used to pay the costs of water well systems for the construction of a new house.

f. Household Water Well loans may not be used to pay the costs of a home plumbing system.

V. Application Review Information

A. Criteria

This section contains instructions and guidelines on preparing the project proposal, work plan, and budget sections of the application. Also, guidelines are provided on the additional information required for RUS

to determine eligibility and financial feasibility.

1. *Project Proposal.* The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of the loan program. Explain what will be accomplished by lending funds to individual well owners. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should include the following elements:

a. *Project Summary.* Present a brief project overview. Explain the purpose of the project, how it relates to RUS' purposes, how the project will be executed, what the project will produce, and who will direct it.

b. *Needs Assessment.* To show why the project is necessary, clearly identify the economic, social, financial, or other problems that require solutions. Demonstrate the well owners' need for financial and technical assistance. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Provide information on the household income of the area and other demographical information. Address community needs.

c. *Project Goals and Objectives.* Clearly state the project goals. The objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the grant and loan program.

d. *Project Narrative.* The narrative should cover in more detail the items briefly described in the Project Summary. Demonstrate the grant applicant's experience and expertise in promoting the safe and productive use of individually-owned household water well systems. The narrative should address the following points:

(1) Document the grant applicant's ability to manage and service a revolving fund. The narrative may describe the systems that are in place for the full life cycle of a loan from loan origination through servicing. If a servicing contractor will service the loan portfolio, the arrangement and services provided must be discussed.

(2) Show evidence of the availability of funds from sources other than the HWWS grant. Describe the contributions the project will receive from your organization, state agencies, local government, other Federal agencies, non-government organizations, private industry, and individuals. The documentation should describe how the contributions will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that the organization has secured commitments of significant financial support from other funding sources.

(4) List the fees and charges that borrowers will be assessed.

2. *Work Plan.* The work plan or scope of work must describe the tasks and activities that will be accomplished with available resources during the grant period. It must include who will carry out the activities and services to be performed and specific timeframes for completion. Describe any unusual or unique features of the project such as innovations, reductions in cost or time, or extraordinary community involvement.

3. *Budget and Budget Justification.* Use the Form SF–424A, Budget Information—Non-Construction Programs, to show your budget cost elements. The form summarizes resources as Federal and non-Federal funds and costs. ''Federal'' refers only to the HWWS Grant Program for which you are applying. ''Non-Federal'' refers to resources from your organization, state agencies, local government, other Federal agencies, non-government organizations, private industry, and individuals. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification.

a. Provide a budget with line item detail and detailed calculations for each budget object class identified in section B of the Budget Information form (SF–424A). Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. Also include a breakout by the funding sources identified in Block 15 of the SF–424.

b. Provide a narrative budget justification that describes how the categorical costs are derived for all capital and administrative expenditures, the matching contribution, and other sources of funds necessary to complete the project. Discuss the necessity, reasonableness, and allocability of the proposed costs. Consult OMB Circular A–122: ''Cost Principles for Non-Profit Organizations'' for information about appropriate costs for each budget category.

c. If the grant applicant will use a servicing contractor, the fees may be reimbursed as an administrative expense as provided in 7 CFR 1776.13. These fees must be discussed in the budget narrative. If the grant applicant will hire a servicing contractor, it must demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000).

d. The indirect cost category should be used only when the grant applicant currently has an indirect cost rate approved by the Department of Agriculture or another cognizant Federal agency. A grant applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the grant applicant is in the process of initially developing or renegotiating a rate, the grant applicant shall submit its indirect cost proposal to the cognizant agency immediately after the applicant is advised that an award will be made. In no event, shall the indirect cost proposal be submitted later than three months after the effective date of the award. Consult OMB Circular A–122 for information about indirect costs.

4. *Evidence of Legal Authority and Existence.* The applicant must provide satisfactory documentation that it is legally recognized under state and Federal law as a private non-profit organization. The documentation also must show that it has the authority to enter into a grant agreement with the RUS and to perform the activities proposed under the grant application. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, copies of state statutes or laws establishing your organization, and copies of your organization's articles of incorporation and bylaws. Letters from IRS awarding tax-exempt status are not considered adequate evidence.

5. *List of Directors and Officers.* The applicant must submit a certified list of directors and officers with their respective terms.

6. *IRS Tax Exempt Status.* The applicant must submit evidence of tax exempt status from the Internal Revenue Service.

7. *Financial Information and Sustainability.* The applicant must submit pro forma balance sheets, income statements, and cash flow statements for the last three years and projections for three years. Additionally, the most recent audit of the applicant's organization must be submitted.

B. Evaluation Criteria

Grant applications that are complete and eligible will be scored

competitively based on the following scoring criteria:

Scoring criteria	Points
Degree of expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water.	Up to 30 points.
Degree of expertise and successful experience in making and servicing loans to individuals	Up to 20 points.
Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of a HWWS grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the HWWS grant and points corresponding to such percentages are as follows:	
0 to 9 percent	ineligible.
10 to 25 percent	5 points.
26 to 30 percent	10 points.
31 to 50 percent	15 points.
51 percent or more	20 points.
Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, and appears likely to be sustainable.	Up to 20 points.
Extent to which the goals and objectives are clearly defined, tied to the work plan, and measurable.	Up to 10 points
Lowest ratio of projected administrative expenses to loans advanced	Up to 10 points.
Administrator's discretion, considering such factors as:	
Creative outreach ideas for marketing HWWS loans to rural residents;	Up to 10 points.
The amount of needs demonstrated in the work plan; Previous experiences demonstrating excellent utilization of a revolving loan fund grant; and Optimizing the use of agency resources.	

C. Review Standards

1. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

2. Ineligible applications will be returned to the applicant with an explanation.

3. Complete, eligible applications will be evaluated competitively by a review team, composed of at least two RUS employees selected from the Water Programs Division. They will make overall recommendations based on the program elements found in 7 CFR part 1776 and the review criteria presented in this notice. They will award points as described in the scoring criteria in 7 CFR 1776.9 and this notice. Each application will receive a score based on the averages of the reviewers' scores and discretionary points awarded by the RUS Administrator.

4. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

5. Regardless of the score an application receives, if RUS determines that the project is technically infeasible, RUS will notify the applicant, in writing, and the application will be returned with no further action.

VI. Award Administration Information

A. Award Notices

RUS will notify a successful applicant by an award letter accompanied by a grant agreement. The grant agreement will contain the terms and conditions for the grant. The applicant must execute and return the grant agreement, accompanied by any additional items required by the award letter or grant agreement.

B. Administrative and National Policy Requirements

1. This notice, the 7 CFR part 1776, and the application guide implement the appropriate administrative and national policy requirements. Grant recipients are subject to the requirements in 7 CFR part 1776.

2. Direct Federal grants, sub-award funds, or contracts under the HWWS Grant Program shall not be used to fund inherently religious activities, such as worship, religious instruction, or proselytization. Therefore, organizations that receive direct assistance should take steps to separate, in time or location, their inherently religious activities from the services funded under the HWWS Grant Program. Regulations for the Equal Treatment for Faith-based Organizations are contained in 7 CFR part 16, which includes the prohibition against Federal funding of inherently religious activities.

C. Reporting

1. *Performance Reporting.* All recipients of HWWS Grant Program financial assistance must provide quarterly performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required. The final report may serve as the last annual report. The final report must include an evaluation of the success of the project.

2. *Financial Reporting.* All recipients of HWWS Grant Program financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. The grantee will provide an audit report or financial statements as follows:

a. Grantees expending $500,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with OMB Circular A–133. The audit will be submitted within 9 months after the grantee's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

b. Grantees expending less than $500,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the grantee's fiscal year.

3. *Recipient and Subrecipient Reporting.* The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR part 170 Section 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

a. First Tier Sub-Awards of $25,000 or more in non-Recovery Act funds (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *http://www.fsrs.gov* no later than the

end of the month following the month the obligation was made.

b. The Total Compensation of the Recipient's Executives (5 most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *http://www.ccr.gov* by the end of the month following the month in which the award was made.

c. The Total Compensation of the Subrecipient's Executives (5 most highly compensated executives) must be reported by the Subrecipient (if the Subrecipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the subaward was made.

VII. Agency Contacts

A. *Web site: http://www.rurdev.usda.gov/UWP-individualwellsystems.htm.*

B. *Phone:* 202–720–9589.

C. *Fax:* 202–690–0649.

D. *E-mail: cheryl.francis@wdc.usda.gov.*

E. *Main point of contact:* Cheryl Francis, Community Programs Specialist, Water Programs Division, Water and Environmental Programs, RUS, U.S. Department of Agriculture.

Dated: June 16, 2011.

Jonathan Adelstein,

Administrator, Rural Utilities Service.

[FR Doc. 2011–17317 Filed 7–8–11; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maryland Advisory Committee to the U.S. Commission on Civil Rights

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a planning meeting of the of the Maryland Advisory Committee to the U.S. Commission on Civil Rights will convene by conference call at 10:30 a.m. (Eastern Time) on Tuesday, July 26, 2011. The purpose of the meeting is for the Maryland Advisory Committee to discuss and select a topic for its civil rights project.

This conference call is available to the public through the following call-in number: (800) 399–0013 followed by the conference ID No.: 80874419. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges made over wireless lines, and the Commission will not refund those incurred charges. Callers will incur no charge for calls using the call-in number over land-line connections. Persons with hearing impairments may also follow the proceedings by dialing 711 for relay services and entering (800) 399–0013 followed by the Conference ID No.: 80874419. To ensure that the Commission secures an appropriate number of lines for the public, persons are asked to contact the Eastern Regional Office 10 days before the meeting date either by e-mail at *ero@usccr.gov* or by phone at (202) 376–7533.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by August 26, 2011. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 624 9th Street, NW., Suite 740, Washington, DC 20425, faxed to (202) 376–7548, or e-mailed to *ero@usccr.gov.* In addition, persons who desire additional information may contact Ivy L. Davis, Director, Eastern Regional Office, at (202) 376–7533.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Eastern Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the rules and regulations of the Commission and FACA.

Dated in Washington, DC, July 6, 2011.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2011–17284 Filed 7–8–11; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Center for Economic Studies Research Proposal and Project Management System.

OMB Control Number: None.

Form Number(s): None.

Type of Request: New collection.

Burden Hours: 3,780.

Number of Respondents: 60.

Average Hours per Response: 63.

Needs and Uses: The U.S. Census Bureau through its network of Census Research Data Centers (RDCs) supports and encourages research activity using Census Bureau microdata to improve Census Bureau programs. The RDCs provide access to researchers, Federal agencies, and other institutions meeting the requirements of Title 13 United States Code, Section 23(c) to non-publicly available Census Bureau data files. The Center for Economic Studies operates the RDC system on behalf of the Census Bureau.

The objective of the Center for Economic Studies (CES) and the Research Data Centers (RDCs) is to increase the utility and quality of Census Bureau data products. The external research program supported by CES and the RDCs increases the quality and utility of Census data in several ways. First, access to microdata encourages knowledgeable researchers to become familiar with Census data products and Census collection methods. More importantly, providing qualified researchers access to confidential microdata enables research projects that would not be possible without access to respondent-level information. This increases the value of data that has been collected. Access to the microdata also allows for data linking not possible with aggregates, both cross-survey linkages and longitudinal linkages. These linkages leverage the value of preexisting data. Creative use of microdata can address important policy questions without the need for additional data collections.

The Census Bureau operates a network of RDCs at a dozen universities and research institutions across the country. These RDCs operate under joint project agreements with either a single institution or a consortium of institutions that provide space for researchers to access confidential Census Bureau data and other data provided by a variety of government and commercial sources under secure, controlled conditions that ensures compliance with Census Bureau data stewardship policies. The RDCs operate as an enterprise asset designed to facilitate external researcher access to confidential microdata and to foster collaboration between external and internal Census Bureau researchers.

Access to confidential data at an RDC by either external or internal researchers requires preparation and submission of a research proposal to CES by an individual or team of researchers. The proposal submission, review and

approval process as well as project tracking is managed with an Internet based application called the CES Research Proposal and Project Management System (CMS). The CMS consists of several modules for accepting information, processing, storage, updating, and reporting.

Individuals first create a user account on the CMS. A template appears which requests contact information from the respondent, including name, mailing address, e-mail address, telephone, professional affiliation, and citizenship. Users may then create the various required proposal documents in CMS using the available templates.

The vast majority of users are academic research faculty at major U.S. universities or other types of research institutions such as the Urban Institute, Peterson Institute for International Economics, Rand Corporation, Public Policy Institute of California, National Bureau of Economic Research, and Resources for the Future. Scientific research typically results in papers presented at scientific conferences and published in peer reviewed academic journals, working paper series, monographs, and technical reports. The scientific community at large benefits from the additions to knowledge resulting from research with Census Bureau microdata. Results inform both scientific theory and public policy.

Affected Public: Not-for-profit institutions.

Frequency: One time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 23(c).

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: July 6, 2011.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–17274 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No.: 110705370–1370–01]

Public Input for the Launch of the Strong Cities, Strong Communities Visioning Challenge

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and request for information.

SUMMARY: The Obama Administration announces and requests public comments on the structure of the Strong Cities, Strong Communities Visioning Challenge (SC2 Pilot Challenge), which is a component of the SC2 Interagency Initiative led by the White House Office of Urban Policy. The SC2 Interagency Initiative is a multi-agency, capacity-building effort to coordinate Federal resources offered by the U.S. Department of Commerce, U.S. Department of Housing and Urban Development, U.S. Environmental Protection Agency, U.S. Department of Labor, U.S. Department of Health and Human Services, U.S. Department of Agriculture, U.S. Department of Energy, U.S. Department of Education, U.S. Department of Justice, U.S. Department of Transportation, U.S. Department of the Treasury, U.S. Small Business Administration, and U.S. Army Corps of Engineers (collectively, the ''SC2 Interagency Partnership''), to address the many planning, housing, and economic challenges facing communities across the United States. The President has called upon executive departments and agencies to work together more strategically—through better coordination of human, regulatory and financial resources—with economically distressed cities in the Nation by identifying barriers to federal assistance.

Subject to the availability of funds under Economic Development Administration's (EDA) Economic Adjustment Assistance program (42 U.S.C. 3149), the SC2 Pilot Challenge will offer a total of $6 million to support the development and implementation of comprehensive economic development strategic plans for approximately six cities. Each of the winning cities (one selected in each of EDA's six geographic regions) will be awarded $1 million to conduct a community-led challenge competition (referred to as the ''Challenge Competition'') with the support of the SC2 Interagency Partnership, and will receive technical assistance and support from EDA to conduct the Challenge Competition. As a part of the Challenge Competition, each city will invite multidisciplinary teams, representing a variety of disciplines with complementary skills in the economic development arena, to submit proposals for comprehensive economic development strategic plans establishing and promoting a vision and approach to stimulate local economic development. The proposals are expected to be multi-faceted, to include plans to restructure and realign land-uses, infrastructure, and economic and social resources (*e.g.,* industry clusters, workforce development), and economic development approaches that promote competitiveness and high-growth potential.

The final comprehensive economic development strategic plan for the city will be based on a genuine understanding of the local, regional, and global economic realities. The plan will serve as a blueprint to guide the city's and region's future investments towards economic prosperity.

To design the Challenge Competition, EDA anticipates using the new authority granted to Federal agencies to conduct prize competitions and challenges under the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science (COMPETES) Reauthorization Act of 2010 (Pub. L. 111–358 (2011)) (America COMPETES Act). In this regard, EDA will engage a prize and challenge expert to help develop the competition framework, including rules regarding eligibility, potential prize amounts, process and other criteria, that each winning city will use to run its local Challenge Competition.

Through this notice, EDA requests public comments on the structure of the SC2 Pilot Challenge, in particular regarding how the agency can best use the America COMPETES Act authority to conduct prize competitions to implement the SC2 Pilot Challenge. Please also see the section titled ''Solicitation for Comments on the SC2 Pilot Challenge'' for a list of specific questions. Subject to the availability of funds in FY 2012, EDA anticipates publishing a federal funding opportunity (FFO) notice to announce the SC2 Pilot Challenge in December 2011.

DATES: EDA invites comments from interested parties in both the public and private sectors to be considered in the formulation of the FFO announcement for the SC2 Pilot Challenge. Interested parties should submit comments in writing by e-mail or facsimile, as

provided below under **ADDRESSES**, on or before thirty days from the publication of this notice.

ADDRESSES: Comments may be submitted by any of the following methods:

- *E-mail: lboswell@eda.doc.gov.* Please state ''Comment on SC2 Pilot Challenge'' in the subject line.
- *Facsimile:* (202) 482–2838. Please state ''Comment on SC2 Pilot Challenge'' on the cover page.

To receive consideration as public comments, comments must be submitted through e-mail or facsimile. All submissions must reference ''Comment on the SC2 Pilot Challenge.'' If you are addressing one of the questions solicited below under ''Solicitation for Comments on the SC2 Pilot Challenge,'' please note the number of the question to which you are responding. Do not include any information in your comment that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Lynette Boswell, Performance and National Programs Division, Economic Development Administration, U.S. Department of Commerce, Room 7009, 1401 Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–1118.

SUPPLEMENTARY INFORMATION:

Administration of the SC2 Pilot Challenge

President Obama recognized the importance of economically vibrant and prosperous cities, towns and regions to our national economy when he asserted that ''strong cities are the building blocks of strong regions, and strong regions are essential for a strong America.'' The Administration has developed the SC2 Pilot Challenge to create Federal-local synergies that will help strengthen economically distressed communities. The SC2 Pilot Challenge will target cities, towns, and regions that have experienced significant economic challenges (*e.g.,* significant population loss, long-term economic decline, high levels of poverty and unemployment, low property values, large amounts of vacant land, or high numbers of abandoned or substandard properties) yet possess physical, commercial and social assets that can be leveraged to create jobs and revitalize their economies.

This effort will reinforce the Administration's place-based approach to advancing cities, towns and regions into thriving 21st century economies, by helping these communities establish innovative, actionable objectives to be implemented by local and regional leaders in the public and private sectors to drive economic development and facilitate economic revitalization. Through the SC2 Pilot Challenge, eligible cities will compete for assistance to carry out an innovative local competition that will result in the development of a robust comprehensive economic development strategic plan.

EDA has six regional offices located in Atlanta, Austin, Philadelphia, Chicago, Denver, and Seattle. Please see EDA's Web site at *http://www.eda.gov/AboutEDA/Regions.xml* for a list of states covered by each regional office. Under the FFO that is anticipated to be issued to announce the SC2 Pilot Challenge, EDA as the lead agency, in collaboration with members of the SC2 Interagency Partnership, will conduct a competition to select six pilot cities, one in each of the geographic regions covered by EDA's regional offices (for a total of six awards), among a number of economically distressed cities across the United States. Subject to the availability of funds in FY 2012, EDA intends to make an award of up to $1 million to a winning pilot city in each EDA region. The award funds are anticipated to be available until expended. The project period of each award is anticipated to be 24 months. The FFO will provide information on how EDA will evaluate applications for funding.

In an effort to use the broad prize authority granted to Federal agencies under the America COMPETES Act, EDA is in the process of engaging a prize and challenge expert to help develop the framework that each winning city will use to run its local Challenge Competition. The current plan involves a cooperative agreement entered into between EDA and each winning city (the Grantee), under which the Grantee would launch a Challenge Competition by issuing a solicitation for the formation of multidisciplinary teams to submit proposals for comprehensive economic development strategic plans for the city. Ultimately, each Grantee would select one multidisciplinary team to develop a final economic development strategy. Each Grantee may use up to $1 million of grant funds to award prizes to the multidisciplinary team that advances in or wins the Challenge Competition. In addition, the Grantee may use any funds remaining after awarding the prizes to the multidisciplinary team to begin implementation of the comprehensive economic development strategic plan.

A multidisciplinary team may be comprised of professionals representing a variety of disciplines with complementary skills in economic development. For example, a multidisciplinary team could include economic development specialists, local business experts, urban/regional planners, economists, architects, statisticians, and engineers. EDA anticipates that the multidisciplinary teams will be allowed to compete in more than one city-held Challenge Competition. In addition, individuals and entities may participate on multiple multidisciplinary teams.

In preparation for and during the Challenge Competition, EDA will collaborate with the SC2 Interagency Partnership as its representatives provide recommendations and consultation to Grantees. Each winning multidisciplinary team will have no more than one year from the date of the public announcement (specific deadlines to be determined by the Grantee) announcing the winning multidisciplinary teams to develop a final comprehensive economic development strategic plan for the relevant Grantee. The process for developing the comprehensive economic development strategic plan will involve outreach and participation activities carried out between the winning multidisciplinary team and applicable Grantee. At the end of the one-year development period, EDA, the Grantees, and the professional economic development community will make the final comprehensive economic development strategic plan(s) available as precedent-setting models for economic transition and redevelopment practices.

Solicitation for Comments on the SC2 Pilot Challenge

To assist EDA in formulating the FFO announcement for the SC2 Pilot Challenge, EDA seeks public comment on the following questions:

1. What role should the Federal government play in helping to transform struggling cities, towns and regions into economically stable, well-functioning communities and what risks, if any, should the Federal government consider in meeting its objectives under the SC2 Pilot Challenge as currently envisioned?

2. Commenters are invited to submit views on the following questions:

a. How can the Challenge Competition (whereby select multidisciplinary teams would develop and submit proposals for comprehensive economic development strategic plans) be structured to ensure the greatest participation and success?

b. What type of structure for the Challenge Competition would be most feasible for cities to administer?

c. What resources would winning pilot cities need to carry out the Challenge Competition?

d. How much technical assistance or involvement will the pilot cities need for the Challenge Competition? Are there technical assistance programs that the SC2 Interagency Partnership should review to enhance the SC2 Pilot Challenge?

3. Which practices (*e.g.,* smart growth; creative cities; healthy cities; sustainable economic development; regional innovation clusters) should the SC2 Pilot Challenge include?

4. What information should EDA and members of the SC2 Interagency Partnership consider in selecting the six city Grantees?

5. What information should EDA and members of the SC2 Interagency Partnership consider in selecting multidisciplinary teams as eligible participants to submit a proposal for a comprehensive economic development strategic plan?

6. To what extent should the SC2 Pilot Challenge encourage multidisciplinary teams to develop plans that speak to both the economic development and land use needs or opportunities of the city and region?

7. What criteria should EDA and members of the SC2 Interagency Partnership consider in connection with the evaluation of proposals submitted by the multidisciplinary teams?

8. What financial incentives should the Federal government use to encourage strong participation among economic development professionals?

9. Would one large prize serve as a more powerful incentive to having a robust competition, or should the competition be tiered in which multidisciplinary teams compete over the course of two or three ''tiers'' with winning teams who advance to the succeeding round receiving increasing levels of prizes?

10. Are there any issues that EDA and members of the SC2 Interagency Partnership should consider in connection with budgetary and time frame constraints imposed on local governments?

EDA's Statutory Authority and the America COMPETES Act

EDA's authorizing statute is the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 *et seq.*) (PWEDA). The specific authority for the Economic Adjustment Assistance program is section 209 of PWEDA (42 U.S.C. 3149). EDA's regulations at 13 CFR Parts 300–302 and subpart A of 13 CFR Part 307 set forth the general and specific regulatory requirements applicable to the Economic Adjustment Assistance program. EDA's regulations and PWEDA are accessible on EDA's Web site at *http://www.eda.gov/InvestmentsGrants/Lawsreg.xml*.

Section 105 of America COMPETES Act amends the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 *et seq.*) to permit any agency head to ''carry out a program to award prizes competitively to stimulate innovation that has the potential to advance the mission of the respective agency.'' The Act authorizes agencies to use Federal appropriated funds to design prizes, administer prizes, and offer monetary prizes for competitions.

EDA's Matching Share Requirement

EDA requires a non-federal matching share for its investments. As such, EDA recognizes that local governments may be in the process of developing or ratifying operational budgets for the coming year on a parallel timeline with the anticipated publication of the FFO for the SC2 Pilot Challenge. Generally, the amount of an EDA grant may not exceed fifty percent of the total cost of the project. Projects may receive up to eighty percent of total cost, based on the relative needs of the region in which the project will be located, as determined by EDA, and in certain circumstances based on need, up to 100 percent. *See* section 204(a) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(1). Given that EDA anticipates selecting distressed cities, it is likely EDA will be able to set the federal share at eighty percent or higher.

In addition, the Grantee should expend matching funds at the same rate as granted funds in order to avoid reaching the project completion stage without having secured the needed proportionate amount required in the cooperative agreement with EDA. For example, consider a $100,000 project that receives eighty percent ($80,000) award funds and has twenty percent ($20,000) cash matching funds. If $25,000 is spent on the project in the first quarter of implementation, then the Grantee should expend $20,000 (eighty percent) from award funds and $5,000 (twenty percent) in cash matching funds.

Dated: July 6, 2011.

Tené Dolphin,

Chief of Staff, Economic Development Administration, U.S. Department of Commerce.

[FR Doc. 2011–17319 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 47–2011]

Foreign-Trade Zone 71—Windsor Locks, CT Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Economic and Industrial Development Commission of Windsor Locks (grantee of FTZ 71) requesting authority to expand the zone to include a new site in East Granby/Windsor, Connecticut. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on July 5, 2011.

FTZ 71 was established by the Board on July 8, 1981 (Board Order 177, 46 FR 36220, 7/14/81). The zone currently consists of one site (17.5 acres) at the Crown Industrial Park, 399 Turnpike Road, Windsor Locks.

The applicant is requesting authority to expand the zone to include the following site: *Proposed Site 2* (390 acres)—within the 600-acre New England Tradeport business park located at the intersection of Route 20 and International Drive in East Granby and Windsor. The site will provide warehousing and distribution services to area businesses. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 9, 2011. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 26, 2011.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site,

which is accessible via *http://www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: July 5, 2011.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2011–17333 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Certain Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Extension of Time Limit for Preliminary Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Jennifer Meek or Mary Kolberg, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482–2778 and (202) 482–1785, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 2010, the Department of Commerce (''the Department'') published a notice of initiation of the administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe (''circular welded pipe'') from the Republic of Korea (''Korea'') for the period November 1, 2009, through October 31, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 75 FR 81565 (December 28, 2010). The current deadline for the preliminary results of this administrative review is August 2, 2011.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and the final results of review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

The Department requires additional time to analyze sales and cost information submitted by the respondents in this administrative review because this review involves complex sales and accounting issues. Thus, it is not practicable to complete this review within the originally anticipated time limit (*i.e.,* by August 2, 2011). Therefore, the Department is extending the time limit for completion of the preliminary results by 120 days to not later than November 30, 2011, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: July 1, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–17337 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–840]

Lightweight Thermal Paper From Germany: Extension of Time Limits for the Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* July 11, 2011.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or George McMahon, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230; *telephone:* (202) 482–3692 or (202) 482–1167, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 2010, the Department of Commerce (the Department) published a notice of initiation of the administrative review of the antidumping duty order on lightweight thermal paper from Germany (LTWP), covering the period November 1, 2009, to October 31, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 75 FR 81565 (December 28, 2010). The preliminary results are currently due no later than August 2, 2011.

Extension of Time Limit of Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires that the Department make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested. Section 751(a)(3)(A) of the Act further states that if it is not practicable to complete the review within the time period specified, the administering authority may extend the 245-day period to issue its preliminary results to up to 365 days. We determine that completion of the preliminary results of this review within the 245-day period is not practicable because the Department needs additional time to analyze complex issues regarding the rebate program and petitioner's allegation of duty absorption. Given the complexity of these issues, and in accordance with section 751(a)(3)(A) of the Act, we are extending the time period for issuing the preliminary results of this review by 120 days. Therefore, the preliminary results are now due no later than November 30, 2011. The final results continue to be due 120 days after publication of the preliminary results.

This notice is published pursuant to sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: July 6, 2011.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–17335 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–898]

Chlorinated Isocyanurates From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on chlorinated isocyanurates (chlorinated

isos) from the People's Republic of China (PRC). The period of review (POR) for this administrative review is June 1, 2009, through May 31, 2010. This administrative review covers four producers/exporters of the subject merchandise, *i.e.,* Hebei Jiheng Chemical Co., Ltd. (Jiheng); Zhucheng Taisheng Chemical Co., Ltd. (Zhucheng); Juancheng Kangtai Chemical Co., Ltd. (Kangtai); and Arch Chemicals (China) Co., Ltd. (Arch China). Jiheng is the only producer/exporter being individually examined as a mandatory respondent.

We preliminarily determine that Jiheng made sales in the United States at prices below normal value (NV). With respect to the three remaining respondents in this administrative review, we preliminarily determine that Zhucheng, Kangtai, and Arch China have demonstrated that they are entitled to a separate rate, and we are assigning to these companies Jiheng's calculated rate. If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on entries of subject merchandise during the POR for which the importer-specific assessment rates are above *de minimis.* We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* July 11, 2011.

FOR FURTHER INFORMATION CONTACT: Emily Halle, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0176.

SUPPLEMENTARY INFORMATION:

Background

On June 24, 2005, the Department published in the **Federal Register** the antidumping duty order on chlorinated isos from the PRC.[1] On June 1, 2010, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on chlorinated isos from the PRC for the period June 1, 2009, through May 31, 2010.[2] Between June 24 and June 30, 2010, in accordance with 19 CFR 351.213(b)(2), Zhucheng, Kangtai, and Jiheng, foreign producers/exporters of subject merchandise, each requested that the Department review their respective sales of subject merchandise. On June 30, 2010, in accordance with 19 CFR 351.213(b)(3), Arch Chemicals, Inc. (Arch USA), a U.S. importer of subject merchandise, requested that the Department review sales of subject merchandise made to the United States during the POR by Arch China, a PRC exporter of subject merchandise. On June 30, 2010, in accordance with 19 CFR 351.213(b)(1), Clearon Corporation and Occidental Chemical Corporation, domestic producers of chlorinated isos (collectively, Petitioners), requested that the Department review sales of subject merchandise produced during the POR by Jiheng and Kangtai.

On July 28, 2010, the Department initiated the administrative review of the antidumping duty order on chlorinated isos from the PRC covering the period June 1, 2009, through May 31, 2010.[3] In the *Initiation Notice,* parties were notified that, due to the administrative burden of reviewing each company, the Department might exercise its authority to limit the number of respondents selected for review in accordance with section 777A(c)(2) of the Tariff Act of 1930, as amended (the Act). Accordingly, the Department requested that all companies listed in the *Initiation Notice* wishing to qualify for separate rate status in this administrative review complete either a separate rate application or separate rate certification, as appropriate.[4] The Department also stated in the *Initiation Notice* its intention to select respondents based on CBP data for U.S. imports during the POR. For this administrative review, because the Department determined that it could only review one producer/exporter and based on CBP data, it selected Jiheng as the only mandatory respondent in this review.[5]

On September 1, 2010, the Department issued its antidumping duty questionnaire to Jiheng. Between September 22 and 27, 2010, Kangtai, Jiheng, Arch China, and Zhucheng each submitted either a separate rate application or certification, as appropriate. On September 29, 2010, Jiheng submitted its section A questionnaire response, and it submitted its sections C and D responses on October 25, 2010. On November 23, 2010, Petitioners submitted deficiency comments regarding Jiheng's questionnaire responses. In response, on December 1, 2010, Jiheng submitted reply comments to Petitioners' deficiency comments. The Department issued supplemental questionnaires to Jiheng on December 23, 2010, and March 15, 2011, for which Jiheng provided timely responses on January 18, 2011, and April 8, 2011, respectively.

On October 22, 2010, the Department issued a list of possible surrogate countries to use in this review,[6] and provided interested parties with an opportunity to comment on the surrogate country selection and surrogate values. On January 19, 2011, Petitioners submitted comments regarding the selection of a surrogate country. On January 26, 2011, Jiheng and Petitioners each submitted publicly available information in order to value Jiheng's factors of production (FOPs). On January 31, 2011, Arch USA submitted comments regarding Petitioners' surrogate country comments. On February 28, 2011, the Department published a notice in the **Federal Register** extending the time limit for the preliminary results of review from March 2, 2011, until June 30, 2011.[7] On March 7, 2011, the

[1] *See Notice of Antidumping Duty Order: Chlorinated Isocyanurates from the People's Republic of China,* 70 FR 36561 (June 24, 2005). On October 13, 2010, upon conclusion of the first sunset review of chlorinated isos from the PRC, the Department published in the **Federal Register** a notice of continuation of the antidumping duty order on chlorinated isos from the PRC. *See Chlorinated Isocyanurates From Spain and the People's Republic of China: Continuation of Antidumping Duty Order,* 75 FR 62764 (October 13, 2010).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 75 FR 30383, 30384 (June 1, 2010).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part,* 75 FR 44224 (July 28, 2010) (*Initiation Notice*).

[4] In order to demonstrate separate rate eligibility, the Department requires companies for which a review was requested that were assigned a separate rate in the previous segment of this proceeding to certify that they continue to meet the criteria for obtaining a separate rate. *See Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from the People's Republic of China: Final Results of 2005–2006 Administrative Review and Partial Rescission of Review,* 72 FR 56724 (October 4, 2007) (*TRBs from the PRC*); upheld by *Peer Bearing Co.-Changshan* v. *United States,* 587 F. Supp. 2d 1319 (Court of International Trade 2008) (*Peer Bearing Co.*). For companies that have not previously been assigned a separate rate, the Department requires that they demonstrate eligibility for a separate rate by submitting a separate rate application. *See Separate Rates and Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,* 70 FR 17233 (April 5, 2005).

[5] *See* the Memorandum regarding ''Administrative Review of the 2009–2010 Antidumping Duty Order on Chlorinated Isocyanurates from the People's Republic of China: Respondent Selection,'' dated August 31, 2010 (Respondent Selection Memorandum).

[6] *See* Memorandum regarding ''Request for Surrogate Country Selection: 2009–2010 Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from the People's Republic of China,'' dated October 1, 2010; *see also* Memorandum regarding ''Request for a List of Surrogate Countries for an Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from the People's Republic of China,'' dated October 22, 2010 (Surrogate Country List).

[7] *See Chlorinated Isocyanurates From the People's Republic of China: Extension of Time Limit*

Department issued a memorandum to all interested parties requesting further information on surrogate values.[8] On March 21, 2011, Jiheng and Petitioners each provided additional surrogate value information. On March 22, 2011, the Department placed on the record an Indian company's annual financial statement for the 2009–2010 fiscal year for consideration in the calculation of certain surrogate values.[9] On May 16, 2011, Jiheng responded to the Department's request for further information on magnesium stearate.[10] Finally, on May 16, 2011, the Department placed on the record CBP rulings for magnesium stearate.[11]

Scope of the Order

The products covered by the order are chlorinated isocyanurates, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones. There are three primary chemical compositions of chlorinated isos: (1) Trichloroisocyanuric acid ($Cl_3(NCO)_3$), (2) sodium dichloroisocyanurate (dihydrate) ($NaCl_2(NCO)_3(2H_2O)$, and (3) sodium dichloroisocyanurate (anhydrous) ($NaCl_2(NCO)_3$). Chlorinated isos are available in powder, granular, and tableted forms. The order covers all chlorinated isos. Chlorinated isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.50.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The tariff classification 2933.69.6015 covers sodium dichloroisocyanurates (anhydrous and dihydrate forms) and trichloroisocyanuric acid. The tariff classifications 2933.69.6021 and 2933.69.6050 represent basket categories that include chlorinated isos and other compounds including an unfused triazine ring. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Respondent Selection

In accordance with section 777A(c)(2) of the Act, the Department selected the largest exporter (by quantity) of chlorinated isos from the PRC (*i.e.,* Jiheng) based on the CBP data for entries of subject merchandise during the POR as the mandatory respondent in this review.[12]

On September 9, 2010, and November 1, 2010, Kangtai and Petitioners, respectively, requested that the Department reconsider its selection of mandatory respondents. In addition, on November 5, 2010, Petitioners requested that the Department conduct a verification of Kangtai, Zhucheng, and Arch China if they were selected for review as mandatory or voluntary respondents. On September 22, 2010, Kangtai submitted an unsolicited response to section A of the Department's antidumping duty questionnaire, and on October 8, 2010, it submitted responses to sections C and D of the questionnaire. Subsequently, on November 17, 2010, Kangtai submitted a request to be considered as a voluntary respondent. However, for the reasons explained in the Respondent Selection Memorandum, *e.g.,* the complexities expected to arise and the workload required for this review, the Department is continuing to review only Jiheng as a mandatory respondent in this administrative review.[13]

Non-Market Economy Country

The Department has treated the PRC as a non-market economy (NME) country in all past antidumping duty investigations and administrative reviews and continues to do so in this review.[14] No interested party in this case has argued that we should do otherwise. Designation as an NME country remains in effect until it is revoked by the Department.[15] Accordingly, we calculated NV in accordance with section 773(c) of the Act, which applies to NME countries.

Surrogate Country

When the Department is investigating imports from an NME country, section 773(c)(1) of the Act directs it, in most instances, to base NV on the NME producer's FOPs. The Act further instructs that valuation of the FOPs shall be based on the best available information in the surrogate market economy (ME) country or countries considered to be appropriate by the Department.[16] When valuing the FOPs, the Department shall utilize, to the extent possible, the prices or costs of FOPs in one or more ME countries that are: (1) At a level of economic development comparable to that of the NME country; and (2) significant producers of comparable merchandise.[17] Further, the Department normally values all FOPs in a single surrogate country.[18] The sources of the surrogate factor values are discussed under the ''Normal Value'' section, below, and in the Preliminary Surrogate Value Memorandum,[19] which is on file in the Central Records Unit, Room 7046 of the main Commerce building. In examining which country to select as its primary surrogate for this proceeding, the Department determined that India, Indonesia, the Philippines, Ukraine, Thailand, and Peru are countries comparable to the PRC in terms of economic development.[20]

In their January 19, 2011 comments regarding the selection of a surrogate country, Petitioners argue that there are several countries besides India that are both economically comparable to the PRC and produce a significant amount of subject merchandise, including Peru, Pakistan (which has a gross national income similar to India, but was not included in the Surrogate Country List), and Egypt (also not included in the Surrogate Country List). On January 31, 2011, Arch USA responded to Petitioners' comments, contending that the Department should continue to use India as the surrogate country for this segment of the proceeding, as it has in previous segments, because, in this case, India produces a significant amount of comparable merchandise and there are publicly available data with which to value the reported FOP information. We note that all parties which submitted

for the Preliminary Results of the Antidumping Duty Administration Review, 76 FR 10875 (February 28, 2011).

[8] *See* Memorandum regarding ''2009–2010 Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from the People's Republic of China,'' dated March 7, 2011.

[9] *See* Memorandum regarding ''Placing an Indian Company Annual Statement on the Record of this Administrative Review,'' dated March 22, 2011.

[10] *See* Memorandum regarding ''Request for Magnesium Stearate Details,'' dated May 19, 2011, memorializing an e-mail exchange with parties that took place on May 9, 2011.

[11] *See* Memorandum regarding ''Tariff Classification of Magnesium Stearate,'' dated May 9, 2011.

[12] *See* Respondent Selection Memorandum.

[13] *See id.*

[14] *See, e.g., Chlorinated Isocyanurates From the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 75 FR 27302, 27304 (May 14, 2010), unchanged in *Chlorinated Isocyanurates From the People's Republic of China: Final Results of 2008–2009 Antidumping Duty Administrative Review,* 75 FR 70212 (November 17, 2010); *see also Folding Metal Tables and Chairs from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke in Part,* 73 FR 40285, 40287 (July 14, 2008), unchanged in *Folding Metal Tables and Chairs from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 74 FR 3560 (January 21, 2009).

[15] *See* section 771(18)(C)(i) of the Act.

[16] *See* section 773(c)(1) of the Act.

[17] *See* section 773(c)(4) of the Act.

[18] *See* 19 CFR 351.408(c)(2).

[19] *See* Memorandum regarding ''Preliminary Results of the 2009–2010 Administrative Review of the Antidumping Duty Order on Chlorinated Isocyanurates from the People's Republic of China: Surrogate Value Memorandum,'' dated concurrently with this notice (Preliminary Surrogate Value Memorandum).

[20] *See* Surrogate Country List.

surrogate value data submitted only Indian-sourced data.

After evaluating the interested parties' comments, the Department finds that India is the appropriate surrogate country to use in this review. The Department based its decision on the following facts: (1) India is at a level of economic development comparable to that of the PRC; (2) India is a significant producer of comparable merchandise, *i.e.,* calcium hypochlorite; and (3) India provides more sources of reliable, publicly available data to value the FOPs. On the record of this review, we have usable surrogate financial data from India, but no such surrogate financial data from any other potential surrogate country. Therefore, we have selected India as the surrogate country and, accordingly, have calculated NV using Indian prices to value the respondents' FOPs, when available and appropriate.[21] We have obtained and relied upon publicly available information wherever possible.

In accordance with 19 CFR 351.301(c)(3)(ii), interested parties may submit publicly available information to value FOPs until 20 days after the date of publication of these preliminary results.[22]

Separate Rates

In proceedings involving NME countries, the Department has a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assessed a single antidumping duty rate. It is the Department's policy to assign all exporters of merchandise subject to review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

In the *Initiation Notice,* the Department notified parties of the process by which exporters and producers may obtain separate-rate status. This process requires exporters and producers wishing to qualify for separate-rate status in this administrative review to complete, as appropriate, either a separate rate application or certification.[23] In particular, companies for which a review was requested, and which were assigned a separate rate in the most recent segment of the same proceeding in which they participated, need to certify that they continue to meet the criteria for obtaining a separate rate.[24] For companies that have not previously been assigned a separate rate, the companies must submit a separate rate application demonstrating eligibility for a separate rate.

Kangtai and Jiheng were assigned a separate rate in the most recent segment of this proceeding in which they participated, and they timely certified in this administrative review that they continue to meet the criteria for obtaining a separate rate. In addition, Arch China and Zhucheng timely filed separate rate applications.

In order to establish independence from the NME entity, exporters must demonstrate the absence of both *de jure* and *de facto* government control over export activities. The Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China,* 56 FR 20588 (May 6, 1991) (*Sparklers*), as further developed in *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China,* 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). However, if the Department determines that a company is wholly foreign-owned or located in an ME country, then a separate-rate analysis is not necessary to determine whether it is independent from government control.

Separate Rate Analysis

1. Wholly Foreign-Owned Companies

Arch China's separate rate application provided evidence that it is wholly owned by individuals or companies located in an ME. Therefore, because it is wholly foreign-owned, and the Department has no evidence indicating that it is under the control of the PRC, a separate rate analysis is not necessary to determine that Arch China is independent from government control.[25] Accordingly, the Department has preliminarily granted Arch China a separate rate.

2. Joint Ventures or Wholly Chinese-Owned Companies

Jiheng, Kangtai, and Zhucheng stated that they are either joint ventures between Chinese and foreign companies or are wholly Chinese-owned companies. Thus, the Department has analyzed whether each of these companies has demonstrated the absence of *de jure* and *de facto* governmental control over their respective export activities.

a. Absence of *De Jure* Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) other formal measures by the government decentralizing control of companies.[26]

The evidence Jiheng, Kangtai and Zhucheng provided in their separate rate certifications and separate rate application supports a preliminary finding of absence of *de jure* government control based on the following factors: (1) An absence of restrictive stipulations associated with the individual exporter's business and export licenses; (2) applicable legislative enactments decentralizing control of the companies; and (3) formal measures by the government decentralizing control of PRC companies.

b. Absence of *De Facto* Control

Typically, the Department considers four factors in evaluating whether each respondent is subject to *de facto* government control of its export functions: (1) Whether the export prices are set by or are subject to the approval of a government agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of

[21] *See* Preliminary Surrogate Value Memorandum.

[22] In accordance with 19 CFR 351.301(c)(1), for the final results of this administrative review, interested parties may submit factual information to rebut, clarify, or correct factual information submitted by an interested party less than ten days before, on, or after, the applicable deadline for submission of such factual information. However, the Department notes that 19 CFR 351.301(c)(1) permits new information only insofar as it rebuts, clarifies, or corrects information placed on the record. The Department generally will not accept the submission of additional, previously absent-from-the-record alternative surrogate value information pursuant to 19 CFR 351.301(c)(1). *See e.g., Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part,* 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

[23] *See Initiation Notice,* 75 FR at 44224.

[24] *See TRBs from the PRC,* 72 FR at 56726 and accompanying Issues and Decision Memorandum at Comment 2; upheld by *Peer Bearing Co.,* 587 F. Supp. 2d at 1324–25.

[25] *See Notice of Final Determination of Sales at Less Than Fair Value: Creatine Monohydrate From the People's Republic of China,* 64 FR 71104, 71104 (December 20, 1999) (where the respondent was wholly foreign-owned and, thus, qualified for a separate rate).

[26] *See Sparklers,* 56 FR at 20589.

losses.[27] The Department has determined that an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to a degree of government control which would preclude the Department from assigning separate rates.

The evidence Jiheng and Kangtai provided in their separate rate certifications, and the evidence Zhucheng provided in its separate rate application, supports a preliminary finding of absence of *de facto* government control based on the following factors: (1) An absence of restrictive government control on export prices; (2) a showing of authority to negotiate and sign contracts and other agreements; (3) a showing that Jiheng, Kangtai, and Zhucheng maintain autonomy from the government in making decisions regarding the selection of management; and (4) a showing that Jiheng, Kangtai, and Zhucheng retain the proceeds of their respective export sales and make independent decisions regarding disposition of profits or financing of losses.

Ultimately, the evidence placed on the record of this administrative review by Jiheng, Kangtai, and Zhucheng demonstrates an absence of *de jure* and *de facto* government control, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide.* Therefore, the Department has preliminarily granted Jiheng, Kangtai, and Zhucheng a separate rate.

Margin for Separate-Rate Companies

In accordance with section 777A(c)(2)(B) of the Act, the Department employed a limited examination methodology, as it did not have the resources to examine all companies for which a review request was made. As stated above, the Department selected Jiheng as the mandatory respondent in this review. In addition to the mandatory respondent, Arch China, Kangtai, and Zhucheng submitted timely information as requested by the Department and remain subject to review as cooperative separate rate respondents.

We note that the statute and the Department's regulations do not directly address the establishment of a rate to be applied to individual companies not selected for examination where the Department limited its examination in an administrative review pursuant to section 777A(c)(2) of the Act. The Department's practice in cases involving limited selection based on exporters accounting for the largest volumes of trade has been to look to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance. Section 735(c)(5)(A) of the Act instructs that we are not to calculate an all-others rate using any zero or *de minimis* margins or any margins based entirely on facts available. Section 735(c)(5)(B) of the Act also provides that, where all margins are zero rates, *de minimis* rates, or rates based entirely on facts available, we may use ''any reasonable method'' for assigning the rate to non-selected respondents. In this instance, we have calculated a *de minimis* rate for the sole mandatory respondent, Jiheng.

In exercising this discretion to determine a non-examined rate, the Department considers relevant the fact that section 735(c)(5) of the Act: (a) Is explicitly applicable to the determination of an all-others rate in an investigation; and (b) articulates a preference that the Department avoid zero, *de minimis* rates or rates based entirely on facts available when it determines the all others rate. The statute's statement that averaging of zero/*de minimis* margins and margins based entirely on facts available may be a reasonable method, and the Statement of Administrative Action's (SAA) indication that such averaging may be the expected method, should be read in the context of an investigation.[28] First, if there are only zero or *de minimis* margins determined in the investigation (and there is no other entity to which a facts available margin has been applied), the investigation would terminate and no order would be issued. Thus, the provision necessarily only applies to circumstances in which there are either both zero/*de minimis* and total facts available margins, or only total facts available margins. Second, when such rates are the only rates determined in an investigation, there is little information on which to rely to determine an appropriate all-others rate. In this context, therefore, the SAA's stated expected method is reasonable: The zero/*de minimis* and facts available margins may be the only or best data the Department has available to apply to non-selected companies.

We note that the Department has sought other reasonable means to assign separate-rate margins to non-reviewed companies in instances with calculated zero rates, *de minimis* rates, or rates based entirely on facts available for the mandatory respondents.[29]

In *Vietnam Shrimp,* the Department assigned to those separate rate companies with no history of an individually calculated rate the margin calculated for cooperative separate rate respondents in the underlying investigation. However, for those separate rate respondents that had received a calculated rate in a prior segment, concurrent with or more recent than the calculated rate in the underlying investigation, the Department assigned that calculated rate as the company's separate rate in the review at hand.

Thus, we find that a reasonable method in the instant review is to assign to the non-reviewed company, Kangtai, its most recent calculated rate. Pursuant to this method, we are preliminarily assigning a rate of 20.54 percent to Kangtai, its calculated rate in its new shipper review.[30] We find that a reasonable method in the instant review is to assign to the non-reviewed companies, Arch China and Zhucheng, each with no history of an individually calculated rate, the margin calculated for cooperative separate rate respondents in the underlying investigation. Pursuant to this method, we are preliminarily assigning a rate of 137.69 percent to Arch China and Zhucheng, the calculated rate for cooperative separate rate respondents in the underlying investigation.[31] In assigning these separate rates, the Department did not impute the actions of any other companies to the behavior of the non-individually examined company, but based this determination on record evidence that may be deemed reasonably reflective of the potential dumping margin for the non-individually examined companies in this administrative review.

Date of Sale

We preliminarily determine that the invoice date is the most appropriate date to use as Jiheng's date of sale in accordance with 19 CFR 351.401(i). According to Jiheng's questionnaire

[27] *See Silicon Carbide,* 59 FR at 22586–87; *see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China,* 60 FR 22544, 22545 (May 8, 1995).

[28] *See* SAA accompanying the Uruguay Round Agreements Act, H.R. Doc. No. 103–316 at 872 (1994), reprinted in 1994 U.S.C.C.A.N. 4040, 4200.

[29] *See Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review,* 74 FR 47191, 47194 (September 15, 2009) (*Vietnam Shrimp*).

[30] *See Chlorinated Isocyanurates From the People's Republic of China: Final Results of June 2008 Through November 2008 Semi-Annual New Shipper Review,* 74 FR 68575, 68576 (December 28, 2009).

[31] *See Notice of Final Determination of Sales at Less Than Fair Value: Chlorinated Isocyanurates From the People's Republic of China,* 70 FR 24502, 24505 (May 10, 2005).

responses, the material terms of the sale are not fixed until invoice date. Thus, the Department finds that the invoice date is the date of sale. Evidence on the record also demonstrates that, with respect to Jiheng's sales to the United States, for some sales the shipment date occurs prior to the invoice date.[32] In such cases, we limit the sales date (*i.e.,* invoice date) to no later than shipment date.[33]

Fair Value Comparisons

To determine whether sales of chlorinated isos to the United States by Jiheng were made at less than NV, we compared export price (EP) to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice, pursuant to section 771(35) of the Act.

Export Price

Jiheng sold the subject merchandise directly to unaffiliated purchasers in the United States prior to importation into the United States. Therefore, we have used EP in accordance with section 772(a) of the Act because the use of the constructed export price methodology is not otherwise indicated. We calculated EP based on the price, including the appropriate shipping terms, to the first unaffiliated purchasers reported by Jiheng. To this price, we added amounts for components that were supplied free of charge or reimbursed by the customer, where applicable, pursuant to section 772(c)(1)(A) of the Act and consistent with our treatment of Jiheng's sales in prior reviews.[34] For free raw materials and packing materials, we added the surrogate values for these materials, multiplied by the reported FOPs for these items, to the U.S. price paid by Jiheng's customer.[35] The reimbursed raw materials were always listed separately on sales invoices, and were not included in the U.S. prices reported by Jiheng.[36] Since these reimbursed items were raw materials, we added the amount paid by the U.S. customer for these materials to the U.S. price.

Normal Value

Section 773(c)(1) of the Act provides that, in an NME proceeding, the Department shall determine NV using an FOP methodology if the merchandise is exported from an NME and the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

The Department bases NV on FOPs in NMEs because the presence of government controls on various aspects of these economies renders price comparisons and the calculation of production costs invalid under the Department's normal methodologies. Therefore, we calculated NV based on FOPs in accordance with sections 773(c)(3) and (4) of the Act and 19 CFR 351.408(c). The FOPs include: (1) Hours of labor required; (2) quantities of raw materials consumed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. We used the FOPs reported by the respondent for materials, energy, labor, by-products, and packing. These reported FOPs included FOPs for various materials provided free of charge or reimbursed by the customer as discussed in the ''Export Price'' section, above.

In accordance with 19 CFR 351.408(c)(1), the Department will normally use publicly available information to value the FOPs, but when a producer sources an input from a market-economy country and pays for this input in a market-economy currency, the Department may value the factor using the actual price paid for this input.[37] Jiheng reported that it did not purchase any inputs from ME suppliers for the production of the subject merchandise.[38]

With regard to the Indian import-based surrogate values, we have disregarded prices that we have reason to believe or suspect may be subsidized, such as those imports from Indonesia, South Korea, and Thailand. We have found in other proceedings that these countries maintain broadly available, non-industry-specific export subsidies and, therefore, it is reasonable to infer that all exports to all markets from these countries may be subsidized.[39] We are also guided by the statute's legislative history that explains that it is not necessary to conduct a formal investigation to ensure that such prices are not subsidized.[40] Rather, the Department bases its decision on information that is available to it at the time it is making its determination. Therefore, we have not used prices from these countries in calculating the Indian import-based surrogate values. Additionally, we disregarded prices from NME countries.[41] Finally, imports that were labeled as originating from an ''unspecified'' country were excluded from the average value, because the Department could not be certain that they were not from either an NME country or a country with general export subsidies.

Factor Valuations

In accordance with section 773(c) of the Act, we calculated NV based on the FOPs reported by Jiheng for the POR. To calculate NV, we multiplied the reported per-unit factor quantities by publicly available Indian surrogate values (except as noted below). In selecting the surrogate values, we selected, where possible, publicly available data, which represent an average non-export value and are contemporaneous with the POR, product-specific, and tax-exclusive. As appropriate, we adjusted input prices by including freight costs to render them delivered prices. Specifically, we added to Indian import surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory. This adjustment is in accordance with the decision of the U.S. Court of Appeals for the Federal Circuit

[32] *See* Jiheng's October 25, 2010 questionnaire response at exhibit C–1.

[33] *See, e.g., Narrow Woven Ribbons with Woven Selvedge from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 75 FR 7244, 7251. (February 18, 2010), unchanged in *Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 75 FR 41808 (July 19, 2010).

[34] *See* Memorandum regarding ''Analysis for the Preliminary Results of the 2009–2010 Administrative Review of Chlorinated Isocyanurates from the People's Republic of China: Hebei Jiheng Chemical Company Ltd.,'' dated concurrently with this notice.

[35] *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products From the People's Republic of China,* 71 FR 53079 (September 8, 2006), and accompanying Issues and Decision Memorandum at Comment 17.

[36] *See* Jiheng's April 8, 2011 Supplemental Questionnaire response at page SS–9.

[37] *See* 19 CFR 351.408(c)(1); *see also Shakeproof Assembly Components, Div. of Illinois Tool Works, Inc.* v. *United States,* 268 F.3d 1376, 1382–1383 (Fed. Cir. 2001) (affirming the Department's use of market-based prices to value certain FOPs).

[38] *See* Jiheng's October 25, 2010 Section D response at page D–10.

[39] *See, e.g., Frontseating Service Valves from the People's Republic of China; Preliminary Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, and Postponement of Final Determination,* 73 FR 62952, 62957 (October 22, 2008), unchanged in *Frontseating Service Valves From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 74 FR 10886 (March 13, 2009); and *China National Machinery Import & Export Corporation* v. *United States,* 293 F. Supp. 2d 1334, 1339 (CIT 2003), affirmed 104 Fed. Appx. 183 (Fed. Cir. 2004).

[40] *See* H.R. Rep. No. 100–576 (1988), at 590.

[41] The list of excluded NME countries includes: Armenia, Azerbaijan, Belarus, Georgia, Kyrgyzstan, Moldova, China, Tajikistan, Turkmenistan, Uzbekistan, and Vietnam.

(CAFC) in *Sigma Corp.* v. *United States,* 117 F.3d 1401, 1408 (Fed. Cir. 1997).[42]

Except as noted below, we valued raw material inputs using the weighted-average unit import values derived from the *Monthly Statistics of the Foreign Trade of India,* as published by the Directorate General of Commercial Intelligence and Statistics of the Ministry of Commerce and Industry, Government of India, in the Global Trade Atlas, available at *http://www.gtis.com/gta* (GTA). Where we could not obtain publicly available information contemporaneous with the POR with which to value FOPs, we adjusted the surrogate values using, where appropriate, the Indian Wholesale Price Index as published in the *International Financial Statistics* of the International Monetary Fund.[43] We further adjusted these prices to account for freight expenses incurred between the input supplier and respondent. For business proprietary factors, valuation descriptions are provided in the Preliminary Surrogate Value Memorandum.

To value calcium chloride, barium chloride, zinc sulfate, and sulfuric acid, we used *Chemical Weekly* data because Indian import data was unavailable in the GTA. We adjusted these values for taxes and to account for freight expenses incurred between the supplier and the respondent.[44]

Jiheng reported that a U.S. customer provided certain raw materials and packing materials free of charge. For Jiheng's products that included raw materials and packing materials provided free of charge, consistent with the Department's practice and section 773(c)(1)(B) of the Act, we used the built-up cost (*i.e.,* the surrogate value for these raw materials and packing materials multiplied by the reported FOPs for these items) in the NV calculation.[45] The raw materials that were reimbursed by the U.S. customer and included in the EP are considered part of the cost of manufacturing, and must be included when calculating NV. We added the built-up costs for the raw materials that were reimbursed by the U.S. customers to the NV. Where applicable, we also adjusted these values to account for freight expenses incurred between the nearest port of entry and Jiheng's plants.[46]

To value water, we used the Maharashtra Industrial Development Corporation water rates.[47]

For packing materials, we used the per-kilogram values obtained from the GTA and made adjustments to account for freight expense incurred between the PRC supplier and Jiheng's plants.[48]

Jiheng reported chlorine, hydrogen gas, ammonia gas, and sulfuric acid as by-products in the production of subject merchandise. We find in this administrative review that Jiheng has appropriately explained how by-products are produced during the manufacture of chlorinated isos and has appropriately supported its claim that a by-product offset to NV should be granted. We valued ammonia gas and sulfuric acid using GTA data. Because our record indicates that chlorine and hydrogen are rarely traded via ocean transport on an international basis, we used Indian financial statements to provide more representative values for chlorine and hydrogen gas.[49] We valued chlorine with POR data obtained from the financial statements of Kanoria Chemicals & Industries Limited (Kanoria) and DCM Shriram Consolidated LTD (DCM), both of which are Indian producers and sellers of chlorine gas and other chemicals. We valued hydrogen gas with POR data obtained from the financial statements of DCM.[50]

To value steam coal for these preliminary results, we have obtained and selected the grades B and C steam coal prices from Coal India Ltd.'s price list effective October 15, 2009.[51] To value steam, we used data obtained from the 2009–2010 financial statements of Hindalco Industries Limited.[52]

For electricity, we used an average price data for small, medium, and large industries, as published by the Central Electricity Authority of the Government of India in its publication entitled *Electricity Tariff & Duty and Average Rates of Electricity Supply in India,* dated March 2008. These electricity rates represent actual country-wide, publicly-available information on tax-exclusive electricity rates charged to industries in India.[53]

To calculate the labor input, on June 21, 2011, the Department revised its methodology for valuing the labor input in NME antidumping proceedings.[54] Section 773(c) of the Act provides that the Department will value FOPs in NME cases using the best available information regarding the value of such factors in an ME country or countries considered to be appropriate by the administering authority. The Act requires that when valuing FOPs, the Department utilize, to the extent possible, the prices or costs of FOPs in one or more ME countries that are (1) At a comparable level of economic development and (2) significant producers of comparable merchandise.[55]

Previously, the Department used regression-based wages that captured the worldwide relationship between *per capita* Gross National Income and hourly manufacturing wages, pursuant to 19 CFR 351.408(c)(3), to value the respondent's cost of labor. However, on May 14, 2010, the CAFC, in *Dorbest Ltd.* v. *United States,* 604 F.3d 1363, 1372 (Fed. Cir. 2010) (*Dorbest*), invalidated 19 CFR 351.408(c)(3). As a consequence of the CAFC's ruling in *Dorbest,* the Department no longer relies on the regression-based wage rate methodology described in its regulations. On February 18, 2011, the Department published in the **Federal Register** a request for public comment on the interim methodology, and the data sources.[56]

In *Labor Methodologies,* the Department determined that the best methodology to value the labor input is to use industry-specific labor rates from the primary surrogate country. Additionally, the Department determined that the best data source for industry-specific labor rates is Chapter 6A: Labor Cost in Manufacturing, from the International Labor Organization (ILO) Yearbook of Labor Statistics (Yearbook).

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[42] For a detailed description of all surrogate values used for Jiheng, *see* Preliminary Surrogate Value Memorandum.

[43] *See* Preliminary Surrogate Value Memorandum.

[44] *See id.*

[45] *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products From the People's Republic of China,* and accompanying Issues and Decision Memorandum at Comment 17.

[46] *See* Preliminary Surrogate Value Memorandum.

[47] Available at: *http://www.midcindia.org/Pages/FilterWaterTariff.aspx?IndusArea=All&Region=All; see also* Preliminary Surrogate Value Memorandum.

[48] *See* Preliminary Surrogate Value Memorandum.

[49] *See* Memorandum to the File, ''Transporting Chlorine and Hydrogen,'' dated June 30, 2011. Furthermore, the use of Indian financial statements to value chlorine and hydrogen is consistent with previous reviews' methodology. *See also Chlorinated Isocyanurates From the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 75 FR at 27307.

[50] *See* Preliminary Surrogate Value Memorandum.

[51] *See id.*

[52] *See id.*

[53] *See id.*

[54] *See Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor,* 76 FR 36092 (June 21, 2011) (*Labor Methodologies*).

[55] *See* section 773(c)(4) of the Act.

[56] *See Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor; Request for Comment,* 76 FR 9544 (February 18, 2011).

In these preliminary results, the Department calculated the labor input using the wage method described in *Labor Methodologies.* To value the respondent's labor input, the Department relied on data reported India to the ILO in Chapter 6A of the Yearbook. The Department further finds the two-digit description under ISIC–Revision 3 (Manufacture of Chemicals and Chemical Products) to be the best available information on the record because it is specific to the industry being examined, and is therefore derived from industries that produce comparable merchandise. This is the same classification used in the prior review of this case when the Department relied on Chapter 5B data. Accordingly, relying on Chapter 6A of the Yearbook, the Department calculated the labor input using labor data reported by India to the ILO under Sub-Classification 24 of the ISIC–Revision 3 standard, in accordance with Section 773(c)(4) of the Act. For these preliminary results, the calculated industry-specific wage rate is $1.54. A more detailed description of the wage rate calculation methodology is provided in the Preliminary Surrogate Value Memorandum.

As stated above, the Department used India ILO data reported under Chapter 6A of the Yearbook, which reflects all costs related to labor, including wages, benefits, housing, training, etc. Since the financial statements used to calculate the surrogate financial ratios include itemized detail of indirect labor costs, the Department made adjustments to the surrogate financial ratios.[57]

To value truck freight, we used the freight rates published by Infobanc, *The Great Indian Bazaar, Gateway to Overseas Markets.*[58] The logistics section of the Web site contains inland freight truck rates between many large Indian cities. The truck freight rates are for the period June 2009 through May 2010 and, therefore, are contemporaneous with the POR.[59]

The Department valued brokerage and handling using a price list for export procedures necessary to export a standardized cargo of goods from India. The price list is compiled based on a survey case study of the procedural requirements for trading a standard shipment of goods by ocean transport in India that is published in *Doing Business 2010: India,* published by the World Bank.[60]

Financial Ratios

To calculate surrogate values for factory overhead, selling, general, and administrative expenses (SG&A), and profit for these preliminary results, we used financial information from Kanoria Chemicals & Industries Limited (a producer of similar merchandise—stable bleaching powder) for the fiscal year ending March 31, 2010.[61] From this information, we were able to determine average factory overhead as a percentage of the total raw materials, labor, and energy (ML&E), average SG&A as a percentage of ML&E plus overhead (*i.e.*, cost of manufacture), and an average profit rate as a percentage of the cost of manufacture plus SG&A.[62]

Currency Conversion

Where the factor valuations were reported in a currency other than U.S. dollars, in accordance with section 773A(a) of the Act, we made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank.

Preliminary Results

We preliminarily determine that the following weighted-average dumping margins exist:

Exporter	Weighted-average margin percentage
Hebei Jiheng Chemical Co., Ltd	[1] 0
Juancheng Kangtai Chemical Co., Ltd	20.54
Arch Chemicals (China) Co., Ltd	137.69
Zhucheng Taisheng Chemical Co., Ltd	137.69

[1] (*de minimis.)*

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. In accordance with 19 CFR 351.212(b)(1), we are calculating importer- (or customer-) specific assessment rates for the merchandise subject to this review. Where the respondent has reported reliable entered values, we calculate importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer). Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis,* we will apply the assessment rate to the entered value of the importers'/customers' entries during the POR, pursuant to 19 CFR 351.212(b)(1).

Where we do not have entered values for all U.S. sales to a particular importer/customer, we calculate a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and dividing this amount by the total quantity sold to that importer (or customer).[63] To determine whether the duty assessment rates are *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer- (or customer-) specific *ad valorem* ratios based on the estimated entered value. Where an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[64]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporter's listed above, the cash deposit rate will be the rate established in the final results of this review (except, if the rate is zero or *de minimis, i.e.,* less than 0.5 percent, a zero cash deposit rate will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 285.63 percent;[65] and (4) for all non-PRC

[57] *See Labor Methodologies* and Surrogate Value Memorandum for details of adjustments.

[58] Available at *http://www.infobanc.com.*

[59] *See* Preliminary Surrogate Value Memorandum.

[60] *See id.*

[61] *See* Preliminary Surrogate Value Memorandum for a discussion on the selection of financial statements to value financial ratios.

[62] *See* Preliminary Surrogate Value Memorandum.

[63] *See* 19 CFR 351.212(b)(1).

[64] *See* 19 CFR 351.106(c)(2).

[65] For an explanation on the derivation of the PRC-wide rate, *see Notice of Final Determination of Sales at Less Than Fair Value: Chlorinated*

exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice, in accordance with 19 CFR 351.224(b). Interested parties are invited to comment on the preliminary results and may submit case briefs within 30 days of the date of publication of this notice, pursuant to 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the time limit for filing the case briefs, as specified by 19 CFR 351.309(d). The Department requests that parties submitting case or rebuttal briefs provide an executive summary and a table of authorities as well as an electronic copy.

Any interested party may request a hearing within 30 days of publication of this notice, as provided by 19 CFR 351.310(c). Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any comments, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act, unless otherwise extended.

Notification to Importers

This notice also serves as a preliminary 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 double antidumping duties.

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 30, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011–17276 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–DS–P

Isocyanurates From the People's Republic of China, 70 FR at 24505.

DEPARTMENT OF COMMERCE

International Trade Administration

Water and Wastewater Trade Mission to Australia Taking Place September 12–15, 2011; Now Opened to Multiple Sectors

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The United States Department of Commerce, International Trade Administration (ITA), U.S. and Foreign Commercial Service (US&FCS) is organizing a Trade Mission to Australia September 12–15, 2011, to help U.S. firms find business partners and sell equipment and services in Sydney, Brisbane, and Melbourne, Australia. This trade mission is designed to provide a key opportunity for U.S. suppliers of equipment and services to explore the Australian market. This mission will be led by a senior Department of Commerce official and will include business-to-business matchmaking with local companies, market briefings, and networking events.

Commercial Setting

Australia is the 14th-largest export market for U.S. goods. The USD12 billion trade surplus with Australia is one of the largest trade surpluses the United States has with any country. In addition, Australia has weathered the global financial crisis better than many other countries, and has managed to enjoy continuous economic growth. The U.S.-Australia Free Trade Agreement (FTA) allows U.S. products to enter Australia duty free. U.S. exports to Australia have jumped 56 percent since the FTA was signed in 2005.

Australia possesses a sound legal system, which is hospitable to foreign investors and exporters, and generally provides strong Intellectual Property Rights protection and enforcement. Reports of corruption remain low, and Australia maintains rule of law, transparency, a strong banking system, and a strong Australian dollar that increases the competitiveness of U.S. products and services.

The top two sectors for this trade mission include:

Water and Wastewater Treatment Equipment and Services

Despite the recent flooding that for the moment eased the drought situation in Victoria, New South Wales (NSW), and Queensland, Western Australia still faces critical water shortages. Although water storage levels have improved in most regions, the Australian Government, at federal and state levels, is working on strategies and projects aimed at securing future water supply. Australia spends an estimated USD4.2 billion each year on water and wastewater treatment. Direct purchases of capital equipment account for 20 to 30 percent of total spending. We estimate the annual market size to be USD500 million–USD1 billion. This mission immediately follows the International Desalination Association (IDA) Annual World Congress, which takes place on the West Coast of Australia in Perth, Sept 4–9, 2011.

Mining Equipment

Mining is a large industry in Australia. The total market size for mining equipment is in excess of US$500 million and the industry imports 70 percent of its equipment. Australia is the second-largest export market for U.S.-manufactured mining equipment. Companies recognize U.S. products for their quality and will pay a premium to avoid heavy losses associated with equipment failure or production delays. In addition, AIMEX, Asia-Pacific's International Mining Exhibition, is taking place in Sydney September 6–9, 2011, allowing interested companies to travel a few days in advance of the mission to take advantage of the show to learn how their technologies can also be used in support of the mining industry.

Additional Key sectors for this trade mission include:

Construction Machinery

Industry experts continue to be optimistic for the construction sector's potential over the medium term, with annual average industry real growth of 3.8% anticipated between 2013 and 2018. The key factor influencing the growth is major infrastructure projects that are planned in Australia in different industries. Key sectors include: transport infrastructure, mining,

electricity, telecommunications, sewerage and water supply, and other civil projects.

Composites, Chemicals and Plastics

A wide variety of chemicals are in demand in Australia; and both the water and wastewater and mining industries rely heavily on chemical processes. The plastics and chemicals industries turnover approximately AU$32.5 billion every year, directly employ 85,000 people and represent between 9 and 10 per cent of total Australian manufacturing activity. Australia presents favorable opportunities for U.S. companies with technological advanced products in the composites, chemicals and plastics Industries.

Oil and Gas Field Machinery

Oil and gas is a US$10 billion a year production industry. There are approximately US$150 billion of projects under construction or well-along in the planning stages. Modernization and restoration of existing machinery and infrastructure will continue. Coal bed methane is a fast growing industry with the bulk of onshore drilling and production focused within the state of Queensland.

Additional Industries

While priority will be given to applicants from the above industry sectors, applications will also be considered from all sectors depending upon how well the company's products or services fit into the overall Australian market. Additional best prospects include: aircraft and parts, automotive parts and accessories, biotechnology, cosmetics, franchising, information technology services and software, renewable energy, and travel and tourism.

Mission Goals

The goals of the Australian Mission are (1) To increase U.S. equipment and services sales to Australia through one-on-one meetings with potential partners, and through establishing long-term business relationships; (2) to provide a high-profile opportunity for U.S. participants to gain exposure in, and further access to, this market through meeting key Australian decision makers; and (3) to provide general advocacy for all mission participants in support of their export efforts.

Mission Scenario

The U.S. Department of Commerce Trade Mission to Australia will visit Sydney, Brisbane, and Melbourne. In each city, participants will meet with new business contacts. Mission participants are encouraged to arrive on or before September 11, 2011 and the mission program will proceed from September 12–15, 2011.

Tentatively, U.S. participant's one-on-one meetings will be at the local Australian firm's facilities, to give participants an opportunity to fully access the true business potential. The precise schedule will depend on the availability of local business representatives and the specific goals and objectives of the mission participants. Our offices in Australia will help companies make their daily travel arrangements once the final schedule is confirmed.

PROPOSED MISSION TIMETABLE

Day of week	Date	Activity
Sunday	Sept. 11—Sydney	Arrive in Sydney. No-host meet and greet dinner.
Monday	Sept 12—Sydney	Mission Meetings Officially Start. Breakfast briefing from U.S. Consulate General and local industry experts. One-on-one business appointments. Evening business reception.
Tuesday	Sept 13—Sydney	One-on-one business appointments. Travel to Brisbane.
Wednesday	Sept 14—Brisbane/Melbourne	One-on-one business appointments. Travel to Melbourne.
Thursday	Sept 15—Melbourne	One-on-one business appointments. Trade Mission Officially Ends in Early Evening.
Friday	Sept 16—Melbourne	Company participants return to U.S.

***Note:** The final schedule and potential site visits will depend on the availability of local government and business officials, specific goals of mission participants, and air travel schedules.

Participation Requirements

All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. The mission is designed to select a minimum of 15 and a maximum of 20 U.S. companies to participate in the mission from the applicant pool. U.S. companies already doing business in the target markets as well as U.S. companies seeking to enter these markets for the first time should apply.

Fees and Expenses

Confirmed participants will pay a participation fee to the U.S. Department of Commerce: $2,000 for a small or medium-sized enterprise (SME) [1] and $2,500 for large firms. The fee for each additional firm representative (SME or large) is $450. Expenses for travel, lodging, meals, and incidentals will be the responsibility of each mission participant.

Conditions for Participation

- An applicant must submit a completed and signed mission application and supplemental application materials, including adequate information on the company's products and/or services, primary market objectives, and goals for participation. If the U.S. Department of Commerce receives an incomplete application, the Department may reject the application, request additional information, or take the lack of information into account when evaluating the applications.
- Each applicant must also certify that the products and services it seeks

[1] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations. *See http://www.sba.gov/contractingopportunities/owners/basics/whatismallbusiness/index.html.* Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008. *See http://www.export.gov/newsletter/march2008/initiatives.html.*

to export through the mission are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have at least 51 percent U.S. content of the value of the finished product or service.

Selection Criteria for Participation

- Suitability of the company's products or services to the Australian market.
- Consistency of the applicant's goals and objectives with the stated scope and design of the mission.
- Applicant's potential for business in Australia, including likelihood of exports resulting from the mission.

Diversity of company size, type, location, and demographics, may also be considered during the review process.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Timeframe for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register** (*http://www.gpoaccess.gov/fr*), posting on ITA's trade mission calendar—*http://www.trade.gov/trade-missions*—and other Internet Web sites, press releases to general and trade media, direct mail, broadcast fax, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows.

Recruitment for the mission will begin immediately, and conclude July 15, 2011, unless extended by the Department of Commerce. Applications received after July 15, 2011, will be considered only if space and scheduling constraints permit.

The U.S. Department of Commerce will inform applicants of selection decisions as soon as possible after July 15, 2011.

Contacts

U.S. Commercial Service, Lisa Huot, International Trade Specialist, Global Trade Programs, Washington, DC 20230, Tel: 202–482–2796, Fax: 202–482–9000, E-mail: *lisa.huot@trade.gov.*

Elnora Moye,

U.S. Department of Commerce, Commercial Service Trade Mission Program.

[FR Doc. 2011–17255 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA516

Endangered Species; File No. 16229

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the North Carolina Zoo, 4401 Zoo Parkway, Asheboro, NC 27203 [David Jones, Responsible Party], has applied in due form for a permit to hold and transport shortnose sturgeon (*Acipenser brevirostrum*) for the purposes of enhancement.

DATES: Written, telefaxed, or e-mail comments must be received on or before August 10, 2011.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 16229 from the list of available applications.

These documents are also available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by e-mail to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. 16229 in the subject line of the e-mail comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Colette Cairns or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The North Carolina Zoo [File No. 16229] is requesting a permit to continue enhancement activities previously authorized under Permit No. 1545. Activities would include the continued maintenance and educational display of one captive-bred, non-releaseable adult shortnose sturgeon, as well as the acquisition of up to nine captive-bred, non-releasable shortnose sturgeon. The display would be used to increase public awareness of the shortnose sturgeon and its status by educating the public on shortnose sturgeon life history and the reasons for the species decline. The proposed project to display endangered cultured shortnose sturgeon responds directly to a recommendation from the NMFS recovery plan outline for this species. The permit would not authorize any takes from the wild, nor would it authorize any release of captive sturgeon into the wild. The permit is requested for a duration of 5 years.

Dated: July 5, 2011.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–17355 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA553

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council will hold a meeting of its Golden Crab AP in Fort Lauderdale, FL. See **SUPPLEMENTARY INFORMATION**.

DATES: The meeting will take place July 26, 2011. See **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Crowne Plaza Fort Lauderdale Airport/Cruise Port, 455 State Road 84,

Fort Lauderdale, FL 33316; telephone: (954) 523–8080; fax: (954) 523–8909.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; e-mail: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Members of the Golden Crab AP will meet from 8:30 a.m. until 4:30 p.m. on July 26, 2011.

Issues to be addressed at the meeting include an overview of actions and alternatives to Draft Amendment 6 and an overview of the data analysis. Draft Amendment 6 addresses the proposal for catch shares in the golden crab fishery. The AP will provide recommendations to the Council.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: July 5, 2011.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–17270 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RIN 0648–XY41]

Marine Mammals; File No. 15014–01

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that Sea World, LLC, 9205 South Park Center Loop, Suite 400, Orlando, FL 32819 [Brad Andrews, Responsible Party] has been issued a minor amendment to public display Permit No. 15014.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018.

FOR FURTHER INFORMATION CONTACT: Laura Morse or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR Part 216).

The original permit (No. 15014), issued on September 2, 2010 (75 FR 55307) authorized import one pilot whale (*Globicephala macrorhynchus*) for public display through September 03, 2011. The minor amendment (No. 15014–01) extends the duration of the permit through September 03, 2012, but does not change any other terms or conditions of the permit.

Dated: July 6, 2011.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2011–17343 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA525

Taking and Importing of Marine Mammals

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

ACTION: Notice; affirmative finding renewal.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) has granted a request for an affirmative finding annual renewal to the Government of Mexico under the Marine Mammal Protection Act (MMPA). This affirmative finding renewal will allow yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the International Dolphin Conservation Program (IDCP) by Mexican-flag purse seine vessels or purse seine vessels operating under Mexican jurisdiction to be imported into the United States. The affirmative finding renewal was based on review of documentary evidence submitted by the Government of Mexico and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the U.S. Department of State.

DATES: The affirmative finding annual renewal is effective from April 1, 2011, through March 31, 2012.

FOR FURTHER INFORMATION CONTACT: Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213; phone 562–980–4000; fax 562–980–4018.

SUPPLEMENTARY INFORMATION: The MMPA, 16 U.S.C. 1361 *et seq.,* allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the IDCP and obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS reviews the affirmative finding and determine whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with IDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the IDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Government of Mexico and obtained from the IATTC and the Department of State and has determined that Mexico has met the MMPA's requirements to receive an affirmative finding annual renewal.

After consultation with the Department of State, the Assistant Administrator issued an affirmative finding annual renewal to Mexico, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Mexican-flag purse seine vessels or purse seine vessels operating under Mexican jurisdiction. Mexico's affirmative finding is renewed through March 31, 2012.

Dated: July 5, 2011.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–17346 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA526

Taking and Importing of Marine Mammals

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

ACTION: Notice; annual affirmative finding renewal.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) has renewed the affirmative finding for the Government of El Salvador under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow yellowfin tuna harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the International Dolphin Conservation Program (IDCP) by El Salvadorian-flag purse seine vessels or purse seine vessels operating under El Salvadorian jurisdiction to be imported into the United States. The affirmative finding was based on review of documentary evidence submitted by the Government of El Salvador and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the U.S. Department of State.

DATES: The affirmative finding renewal is effective from April 1, 2011, through March 31, 2012.

FOR FURTHER INFORMATION CONTACT: Sarah Wilkin, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213; phone 562–980–3230; fax 562–980–4027.

SUPPLEMENTARY INFORMATION: The MMPA, 16 U.S.C. 1361 *et seq.,* allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the IDCP and obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS reviews the affirmative finding and determine whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with IDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the IDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Government of El Salvador or obtained from the IATTC and the Department of State and has determined that El Salvador has met the MMPA's requirements to receive an annual affirmative finding renewal.

After consultation with the Department of State, the Assistant Administrator issued El Salvador's annual affirmative finding renewal, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by El Salvadorian-flag purse seine vessels or purse seine vessels operating under El Salvadorian jurisdiction. This annual renewal of El Salvador's affirmative finding will remain valid through March 31, 2012.

Dated: July 5, 2011.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–17344 Filed 7–8–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 10–79]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. John Unglesbee, DSCA/DBO/CFM, (703) 601–6026.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 10–79 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: July 5, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 23 2011

The Honorable John Boehner
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-79, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $217 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 10–79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* United Arab Emirates

(ii) *Total Estimated Value:*
Major Defense Equipment*—$171 million
Other—$46 million
TOTAL—$217 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 5 UH–60M BLACKHAWK VIP helicopters, 12 T700–GE–701D engines (10 installed and 2 spares), 6 AN/APR–39A(V)4 Radar Signal Detecting Sets, 80 AN/AVS–9 Night Vision Devices, 6 Star Safire III Forward Looking Infrared Radar Systems, 6 AAR–57(V)3 Common Missile Warning Systems, 6 AN/AVR–2B Laser Warning Sets, C406 Electronic Locator Transmitters, Traffic Collision Avoidance Systems and Weather Radars, Aviation Mission Planning Station, government furnished equipment, ferry support, spare and repair parts, publications and technical documentation, support equipment, personnel training and training equipment, ground support, communications equipment, U.S. Government and contractor technical and logistics support services, tools and test equipment, and other related elements of logistics support.

(iv) *Military Department:* Army (ZUE, Amendment #3).

(v) *Prior Related Cases, if any:*

FMS Case ZUE—$811M—20Aug07
FMS Case ZUE(A1)—$450M—20Apr09

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None.

(vii) *Sensitivity of Technology. Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached.

(viii) *Date Report Delivered to Congress:*

* As defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

United Arab Emirates—UH–60M BLACKHAWK Helicopters

The Government of the United Arab Emirates (UAE) has requested a possible sale of 5 UH–60M BLACKHAWK VIP helicopters, 12 T700–GE–701D engines (10 installed and 2 spares), 6 AN/APR–39A(V)4 Radar Signal Detecting Sets, 80 AN/AVS–9 Night Vision Devices, 6 Star Safire III Forward Looking Infrared Radar Systems, 6 AAR–57(V)3 Common Missile Warning Systems, 6 AN/AVR–2B Laser Warning Sets, C406 Electronic Locator Transmitters, Traffic Collision Avoidance Systems and Weather Radars, Aviation Mission Planning Station, government furnished equipment, ferry support, spare and repair parts, publications and technical documentation, support equipment, personnel training and training equipment, ground support, communications equipment, U.S. Government and contractor technical and logistics support services, tools and test equipment, and other related elements of logistics support. The estimated cost is $217 million.

This proposed sale will contribute to the foreign policy and national security of the United States by meeting the legitimate security and defense needs of a partner nation that, has been and continues to be an important force for peace, political stability, and economic progress in the Middle East.

The UAE will use these helicopters for intra-country transportation of UAE officials to militarily critical training and operation sites. The UH–60M BLACKHAWK helicopters will enhance the safety of key UAE personnel by providing for the detection and avoidance of rocket/missile attacks by indigenous or foreign terrorist elements. The UAE will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be: Sikorsky Aircraft Corporation of Stratford, Connecticut, and General Electric Aircraft Company of Lynn, Massachusetts. The purchaser has requested offsets; however, at this time, agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this proposed sale will require the deployment of a minimum of two Contractor Field Service representatives to the United Arab Emirates for approximately two years after initial fielding to assist in the delivery and deployment of the helicopters.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10–79

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The UH–60M BLACKHAWK helicopters contain communications and identification equipment, navigation equipment, aircraft survivability equipment, displays and sensors. The airframe itself does not contain sensitive technology. The highest level of classified information to be released for training, operation and maintenance of the BLACKHAWK helicopters is Unclassified. The highest level that could be revealed through reverse engineering or testing of the end item is Secret. The UH–60M BLACK HAWK helicopters will include the following pertinent equipment listed below, either installed on the aircraft or included in the proposed sale:

a. The AN/APR–39A(V)4 Radar Signal Detecting Set is a system which provides warning of a radar directed air defense threat to allow appropriate countermeasures. Hardware is classified Confidential when programmed with United States threat data; releasable technical manuals for operation and maintenance are classified Confidential; releasable technical data (technical performance) is classified Secret. The system can be programmed with threat data provided by the purchasing country.

b. The AN/AVR–2B Laser Warning Set is a passive laser warning system that receives, processes and displays threat information resulting from aircraft illumination by lasers on the multi-functional display. The hardware is classified Confidential; releasable technical manuals for operation and maintenance are classified Secret. Reverse engineering is not a major concern.

c. The AAR–57 Common Missile Warning System is a passive laser warning system that receives, processes, and displays threat information resulting from aircraft illumination by lasers on the multi-functional display. The Dispenser components and Payload Module components dispense expendables/decoys to enhance aircraft survivability. The system is designed to employ countermeasures according to a program developed and implemented by the aircrew. Radar cross-section and frequency coverage are sensitive elements. The hardware is Unclassified. Releasable technical publications for operation and maintenance are classified Secret. Aircraft optimization is the critical element; reverse engineering is not a major concern. Additional components are the Control Panel and the Electronics Module that have been integrated in the Weapons Management and Control software.

d. The Star Safire III Electro-Optical System is a long-range, multi-sensor infrared imaging radar system. It is considered non-standard equipment for the UH–60 BLACKHAWK helicopter. It will be used to enhance night flying and provide a level of safety for the VIP passengers during night flights. The hardware is Unclassified. Rangefinder performance and signal transfer function for the Infrared Imager are considered Confidential.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advance capabilities.

[FR Doc. 2011–17242 Filed 7–8–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 11–07]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. John Unglesbee, DSCA/DBO/CFM, (703) 601–6026.

The following is a copy of a letter to the Speaker of the House of

Representatives, Transmittal 11–07 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: July 5, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 23 2011

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 11-07, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services estimated to cost $67 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

William E. Landay III

William E. Landay III
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided under Separate Cover)

Transmittal No. 11-07
Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended (U)

(i) Prospective Purchaser: Morocco

(ii) Total Estimated Value:

Major Defense Equipment*	$ 43 million
Other	$ 24 million
TOTAL	$ 67 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 8 AN/MPQ-64F1 SENTINEL Radars, 8 AN/VRC-92E Single Channel Ground and Airborne Radio System (SINCGARS) Vehicular Dual Long-Range System Radios, Identification Friend or Foe (IFF), Sentinel Software, 8 SENTINEL M1152 High Mobility Multipurpose Wheeled Vehicle (HMMWV)s, HMMWV support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance, and other related logistics support.

(iv) Military Department: Army (USI)

(v) Prior Related Cases, if any: None

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached

(viii) Date Report Delivered to Congress:

* as defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

Morocco – SENTINEL AN/MPQ-64F1 Radars

The Government of Morocco has requested a possible sale 8 AN/MPQ-64F1 SENTINEL Radars, 8 AN/VRC-92E Single Channel Ground and Airborne Radio System (SINCGARS) Vehicular Dual Long-Range System Radios, Identification Friend or Foe (IFF), Sentinel Software, 8 SENTINEL M1152 High Mobility Multipurpose Wheeled Vehicle (HMMWV)s, HMMWV support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support. The estimated cost is $67 million.

The proposed sale will contribute to the foreign policy and national security objectives of the United States by supporting Morocco's legitimate need for its own self-defense. Morocco is one of the most stable and pro-Western of the Arab states, and the U.S. remains committed to a long-term relationship with Morocco.

The Government of Morocco is modernizing its armed forces and expanding its air defense architecture to counter threats posed by air attack. The proposed sale of SENTINEL Radars will greatly enhance Morocco's interoperability with the U.S. and other NATO nations, making it a more valuable partner in an increasingly important area of the world.

The proposed sale will not alter the basic military balance in the region.

The prime contractors will be Thales Raytheon Systems in Fullerton, California, International Telephone and Telegraph (ITT) in Fort Wayne, Indiana, and American General in South Bend, Indiana. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require travel of up to 10 U.S. Government or contractor representatives to Morocco for a period of 8 weeks for equipment checkout and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 11-07

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AN/MPQ-64 SENTINEL radar is a mobile phased-array radar that provides highly accurate 3-dimensional radar track data to using systems via the Forward Area Air Defense (FAAD) Command, Control, and Intelligence (C2I) node. SENTINEL's detection range, mobility, and 360 degree azimuth coverage allow it to support SHORAD weapons located throughout the division area. SENTINEL acquires, tracks, and reports cruise missiles, unmanned aerial vehicles, fixed and rotary wing aircraft in clutter and electronic countermeasures environments. The SENTINEL export configuration will be a derivative of the U.S. Army's Improved SENTINEL Radar which will be classified Confidential at the system level when the classified software is loaded into the hardware. The hardware is Unclassified when the software is removed and purged.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2011–17243 Filed 7–8–11; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 11–25]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. John Unglesbee, DSCA/DBO/CFM, (703) 601–6026.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 11–25 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: July 5, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 29 2011

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 11-25, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the United Kingdom for defense articles and services estimated to cost $90 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard A. Genaille, Jr.
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 11–25

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* United Kingdom

(ii) *Total Estimated Value:*

Major Defense Equipment*	$50 million
Other	40 million
Total	90 million

* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 7 Ship's Signal Exploitation Equipment (SSEE) Increment F, 7 Selective Availability Anti-Spoofing Modules (SAASM) GPS Receivers, and 7 System Signal and Direction Finding Stimulator packages, spare and repair parts, personnel training and training equipment, support equipment, U.S. Government and contractor engineering, logistics, and technical support services, testing, publications and technical documentation, Fleet Information Operation Center upgrades, installation, life cycle support, and other related elements of logistics support.

(iv) *Military Department:* Navy (LUK)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Annex attached

(viii) *Date Report Delivered to Congress:*

POLICY JUSTIFICATION

United Kingdom—Ship's Signal Exploitation Equipment (SSEE) Increment F

The Government of the United Kingdom (UK) has requested the sale of 7 Ship's Signal Exploitation Equipment (SSEE) Increment F, 7 Selective Availability Anti-Spoofing Modules (SAASM) GPS Receivers, and 7 System Signal and Direction Finding Stimulator packages, spare and repair parts, personnel training and training equipment, support equipment, U.S. Government and contractor engineering, logistics, and technical support services, testing, publications and technical documentation, Fleet Information Operation Center upgrades, installation, life cycle support, and other related elements of logistics support. The estimated cost is $90 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to maintain and improve the security of a key NATO partner that has been, and continues to be, an important force for political stability and economic power in Europe.

The UK is procuring SSEE increment F as a Cryptologic Electronic Warfare Support Measure (CESM) replacement program for the Cooperative Outboard Logistics Update (COBLU) currently fitted on Type 22 Frigates and it will be the future maritime CESM system fitted on the Type 45 Destroyers. It is expected the UK will be able to fully absorb and utilize the Communications Intelligence (COMINT) system and capability.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Argon ST in Fairfax, Virginia.

There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will require the temporary assignment of three U.S. Government and seven contractor representatives to the UK to provide installation, testing, training, and support for one to two months per year through 2018.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 11–25

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. SSEE Increment F is an Information Operations (IO) system that provides IO, Electronic Support (ES), and Direction Finding (DF) capabilities. The system's software is partitioned into three segments: acquisition, processing, and services. The first two segments can be considered the ''sensor'' part of the system, providing the main User Interface through a web portal, and access to SSEE Increment F services via standard Service Oriented Architecture (SOA) interfaces via Extensible Markup Language (XML). The SSEE Increment F suite of hardware is Unclassified.

2. If a technology advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce SSEE Increment F's system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2011–17240 Filed 7–8–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 11–23]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. John Unglesbee, DSCA/DBO/CFM, (703) 601–6026.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 11–23 with attached transmittal and policy justification.

Dated: July 5, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

JUN 29 2011

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 11-23, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services estimated to cost $675 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

William E. Landay III
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 11–23

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Iraq

(ii) *Total Estimated Value:*

Major Defense Equipment*	$ 0 million
Other	675 million
TOTAL	675 million

* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:* follow-on support and maintenance of multiple aircraft systems that include TC–208s, Cessna 172s, AC–208s, T–6As, and King Air 350s. Included are ground stations, repair and return, spare and repair parts, support equipment, publications and technical data, personnel training and training equipment, U.S. Government and contractor engineering, logistics, and technical support services, and other related elements of logistics support.

(iv) Military Department: Air Force (QAF Amd #4, QAH, Amd #4)

(v) *Prior Related Cases, if any:*
FMS case QAS–$33M–21Sep10
FMS case SAD–$110M–26May09

FMS case QAH–$24M–20Feb09
FMS case QAF–$12M–5Nov08

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:*

POLICY JUSTIFICATION

Iraq—Follow-On Support and Maintenance of Multiple Aircraft Systems

The Government of Iraq has requested a possible sale of follow-on support and maintenance of multiple aircraft systems that include TC–208s, Cessna 172s, AC–208s, T–6As, and King Air 350s. Included are ground stations, repair and return, spare and repair parts, support equipment, publications and technical data, personnel training and training equipment, U.S. Government and contractor engineering, logistics, and technical support services, and other related elements of logistics support. The estimated cost is $675 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country. This proposed sale directly supports the Iraq government and serves the interests of the Iraqi people and the U.S.

The proposed sale will help the Iraqi government to maintain indigenous Intelligence Surveillance and Reconnaissance, training, and counter insurgency/counter-terrorism capabilities. As the drawdown of coalition forces continues, the Iraqi Air Force continues to develop a force capable of assuming the lead in providing for the security of the Iraqi people. The follow-on support will ensure the operational capability of the Iraqi Air Force and will allow it to sustain itself in its efforts to establish stability in Iraq.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be Hawker Beechcraft Corporation in Wichita, Kansas; Flight Safety International in Flushing, New York; Alliant Techsystems in Magna, Utah; L–3 Communications in New York, New York; and Integration Innovation, Inc. in Huntsville, Alabama. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2011–17241 Filed 7–8–11; 8:45 am]

BILLING CODE 5001–06–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, Privacy, Information and Records 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 September 9, 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, Information Management and Privacy 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: July 5, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

Office of the Secretary

Type of Review: Revision.

Title of Collection: Generic Application Package for Discretionary Grant Programs.

OMB Control Number: 1894–0006.

Agency Form Number(s): N/A.

Frequency of Responses: New Awards.

Affected Public: Businesses or other for-profit; Individuals or households; Not-for-profit institutions State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 9,836.

Total Estimated Number of Annual Burden Hours: 446,089.

Abstract: The Department of Education (ED) is requesting an extension of the approval for the Generic Application Package that numerous ED discretionary grant programs use to provide applicants the generic forms and information needed to apply for new grants under those grant program competitions.

ED will use this Generic Application package for discretionary grant programs that: (1) Use the standard ED or Federal-wide grant application forms that have been cleared separately through OMB and (2) use selection criteria from the Education Department General Administrative Regulations (EDGAR); statutory selection criteria or a combination of EDGAR and statutory selection criteria authorized under EDGAR, 34 CFR 75.200. The use of the standard ED grant application forms and the use of EDGAR and/or statutory selection criteria promote the standardization and streamlining of ED discretionary grant application packages.

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 4652. 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. 2011–17223 Filed 7–7–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA Number: 84.327U]

Reopening, Applications for New Awards; Technology and Media Services for Individuals With Disabilities—Center on Online Learning and Students With Disabilities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: On May 5, 2011, we published in the **Federal Register** (76 FR 25676–25682) a notice inviting applications for a fiscal year (FY) 2011 award under a priority for a Center on Online Learning and Students with Disabilities. The notice provided deadline dates and other information regarding the transmittal of applications for the FY 2011 competition under the Technology and Media Services for Individuals with Disabilities program authorized by the Individuals with Disabilities Education Act (IDEA), as amended. The notice inviting applications provided a deadline date of June 20, 2011 for the transmittal of applications for the competition.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to reopen the competition for the Center on Online Learning and Students with Disabilities (84.327U) that was announced in the notice inviting applications published on May 5, 2011 in the **Federal Register** (76 FR 25676–25682). We are reopening this competition because we want to provide applicants more time to submit applications in light of a correction we are making to the notice inviting application. Elsewhere in this issue of the **Federal Register**, we are making a correction to the notice inviting applications to clarify the *Project Period* announced in the notice inviting applications. Specifically, we clarify that applications must include plans for both the 36 month award and the 24 month extension.

Any applicant that has already submitted an application that includes plans for both the 36-month award and the 24 month extension under the Center on Online Learning and Students with Disabilities competition does not need to resubmit its application.

Deadline for Transmittal of Applications: July 25, 2011.

Note to Applicants: The notice published on May 5, 2011, provides other information that applies to this competition. Specifically, the priority in that notice, entitled ''Center on Online Learning and Students with Disabilities priority CFDA 84.327U,'' identifies the requirements for applications submitted in response to this notice.

Deadline for Intergovernmental Review: The deadline date for Intergovernmental Review under Executive Order 12732 is extended to September 23, 2011.

FOR FURTHER INFORMATION CONTACT: David Malouf, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4114, Potomac Center Plaza, Washington, DC 20202–2600. *Telephone:* (202) 245–6253.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

Accessible Format: Individuals with disabilities can obtain this notice in an accessible format (e.g., braille, large print, audiotape, or computer diskette) by contacting the persons listed in this section.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *http://www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 6, 2011.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2011–17345 Filed 7–8–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Technology and Media Services for Individuals With Disabilities Program

AGENCY: Department of Education.

ACTION: Correction; Notice inviting applications for new awards for fiscal year (FY) 2011.

SUMMARY: On May 26, 2011, we published in the **Federal Register** (76 FR 30688) a notice inviting applications for new awards for FY 2011 under the Technology and Media Services for Individuals with Disabilities Program—Research and Development Center on the Use of Emerging Technologies to Improve Literacy Achievement for Students with Disabilities in Middle School (CFDA No. 84.327M) competition, authorized under the Individuals with Disabilities Education Act. Through this notice, we are adding a sentence to clarify the Project Period for projects funded under the priority announced in the notice inviting applications.

FOR FURTHER INFORMATION CONTACT: David Malouf, U.S. Department of Education, 400 Maryland Avenue, SW., room 4114, Potomac Center Plaza, Washington, DC 20202–2600. *Telephone:* (202) 245–6253.

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: We make the following correction:

On page 30691, second column, last paragraph, under *Project Period,* we add a second sentence that reads, ''Applications must include plans for both the 36-month award and the 24-month extension.'' The *Project Period* paragraph now correctly reads, ''Up to 36 months with an optional additional 24 months based on performance. Applications must include plans for both the 36-month award and the 24-month extension.''

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 contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *http://www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 6, 2011.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2011–17349 Filed 7–8–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Technology and Media Services for Individuals With Disabilities Program

AGENCY: Department of Education.

ACTION: Correction; Notice inviting applications for new awards for fiscal year (FY) 2011.

SUMMARY: On May 5, 2011, we published in the **Federal Register** (76 FR 25676–25682) a notice inviting applications for new awards for FY 2011 under the Technology and Media Services for Individuals with Disabilities Program—Center on Online Learning and Students with Disabilities Fiscal Year (CFDA No. 84.327U) competition, authorized under the Individuals with Disabilities Education Act. Through this notice, we are adding a sentence to clarify the Project Period for projects funded under the priority announced in the notice inviting applications.

FOR FURTHER INFORMATION CONTACT: David Malouf, U.S. Department of Education, 400 Maryland Avenue, SW., room 4114, Potomac Center Plaza, Washington, DC 20202–2600. *Telephone:* (202) 245–6253.

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: We make the following correction:

On page 25679, first column, third paragraph, under *Project Period,* we add a second sentence that reads, ''Applications must include plans for both the 36-month award and the 24-month extension.'' The *Project Period* paragraph now correctly reads, ''Up to 36 months with an optional additional 24 months based on performance. Applications must include plans for both the 36-month award and the 24-month extension.''

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 contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *http://www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *http://www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 6, 2011.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2011–17347 Filed 7–8–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995), intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before September 9, 2011. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to John T. Lucas, GC–62, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585, or by fax at (202) 586–2805 or by e-mail at *john.t.lucas@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: John T. Lucas, at the address listed above.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910–0800; (2) *Information Collection Request Title:* Legal Collections; (3*) Type of Review:* renewal; (4) *Purpose:* To continue to maintain DOE oversight of responsibilities relating to DOE and contractor invention reporting and related matters; (5) *Annual Estimated Number of Respondents:* 1817; (6) *Annual Estimated Number of Total Responses:* 1817; (7) *Annual Estimated Number of Burden Hours:* 15,127; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* 1,034,525.

Statutory Authority: 42 U.S.C. 5908 (a), (b) and (c); 10 CFR Part 781; 10 CFR Part 784.

Issued in Washington, DC, on July 5, 2011.

John T. Lucas,

Assistant General Counsel for Technology Transfer and Intellectual Property, U.S. Department of Energy.

[FR Doc. 2011–17314 Filed 7–8–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Fusion Energy Sciences Advisory Committee

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, July 28, 2011 9 a.m. to 5 p.m.

ADDRESSES: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, Maryland 20877.

FOR FURTHER INFORMATION CONTACT: Albert L. Opdenaker, Designated Federal Officer, Office of Fusion Energy Sciences; U.S. Department of Energy; 1000 Independence Avenue, SW., Washington, DC 20585–1290; Telephone: 301–903–4941.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To complete the charge given to the Committee in the letter from Director, Office of Science, dated February 25, 2011 to describe the current policies and practices for disseminating research results in the fields that are relevant to the Fusion Energy Sciences program.

Tentative Agenda Items:

- FES perspective and program status.
- Report from Subcommittee on Research Data Dissemination and discussion of the draft report.
- Status of ITER Project.
- Status of the Fusion Nuclear Sciences Pathways Assessment Activities.
- Public Comments.

Note: The FESAC meeting will be broadcast live on the Internet. You may find out how to access this broadcast by going to the following site prior to the start of the meeting. A video record of the meeting including the presentations that are made will be archived at this site after the meeting ends: *http://doe.granicus.com/ViewPublisher.php?view_id=3.*

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Albert L. Opdenaker at 301–903–8584 (fax) or *albert.opdenaker@science.doe.gov* (e-mail). Reasonable provision will be made to include the scheduled oral statements during the Public Comments time on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room; 1G–033, Forrestal Building; 1000 Independence Avenue, SW., Washington, DC 20585; between 9 a.m. and 4 p.m., Monday through Friday, except holidays, and on the Fusion Energy Sciences Advisory Committee Web site—*http://www.science.doe.gov/ofes/fesac.shtml.*

Issued at Washington, DC, on July 6, 2011.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2011–17313 Filed 7–8–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Case No. CAC–030]

Decision and Order Granting a Waiver to Mitsubishi Electric & Electronics USA, Inc. From the Department of Energy Commercial Package Air Conditioner and Heat Pump Test Procedures

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: This notice publishes the U.S. Department of Energy's (DOE) Decision and Order in Case No. CAC–030, which grants Mitsubishi Electric & Electronics USA, Inc. (Mitsubishi) a waiver from the existing DOE test procedures applicable to commercial package air-source and water-source central air conditioners and heat pumps. The waiver is specific to indoor units of the Mitsubishi variable capacity CITY MULTI WR2 and WY Series and CITY MULTI S&L Class multi-split commercial heat pumps. As a condition of this waiver, Mitsubishi must use the alternate test procedure set forth in this notice to test and rate its WR2 and WY Series and S&L Class CITY MULTI multi-split commercial heat pumps.

DATES: This Decision and Order is effective July 11, 2011.

FOR FURTHER INFORMATION CONTACT: Dr. Michael G. Raymond, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–9611. E-mail: *Michael.Raymond@ee.doe.gov*.

Ms. Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–71, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0103. Telephone: (202) 287–6111. E-mail: *mailto:Jennifer.Tiedeman@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 431.401(f)(4), DOE is providing notice of the issuance of the Decision and Order set forth below. In this Decision and Order, DOE grants Mitsubishi a waiver from the existing DOE commercial package air conditioner and heat pump test procedures for specific indoor units of its CITY MULTI WR2 and WY Series and CITY MULTI S&L Class multi-split commercial heat pumps. The waiver requires Mitsubishi use the alternate test procedure provided in this notice to test and rate the specified models of indoor units from its CITY MULTI WR2 and WY Series and CITY MULTI S&L Class multi-split equipment line (as identified below).

Today's decision prohibits Mitsubishi from making any representations concerning the energy efficiency of this equipment unless the equipment has been tested consistent with the provisions and restrictions in the alternate test procedure set forth in the Decision and Order below, and the representations fairly disclose the test results. (42 U.S.C. 6314(d)) Distributors, retailers, and private labelers are held to the same standard when making representations regarding the energy efficiency of this equipment. *Id.*

Issued in Washington, DC, on July 5, 2011.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: Mitsubishi Electric & Electronics USA, Inc. (Mitsubishi) (Case No. CAC–030).

Background

Title III, Part C of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6311–6317, as codified, added by Public Law 95–619, Title IV, 441(a), established the Energy Conservation Program for certain industrial equipment, which includes commercial air conditioning equipment, package boilers, water heaters, and other

types of commercial equipment, the focus of this notice.[1]

Part C specifically includes definitions (42 U.S.C. 6311), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), energy conservation standards (42 U.S.C 6313), and the authority to require information and reports from manufacturers (42 U.S.C. 6316). With respect to test procedures, Part C authorizes the Secretary of Energy (the Secretary) to prescribe test procedures that are reasonably designed to produce results that measure energy efficiency, energy use, and estimated annual operating costs, and that are not unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

For commercial package air-conditioning and heating equipment, EPCA provides that ''the test procedures shall be those generally accepted industry testing procedures or rating procedures developed or recognized by the Air-Conditioning and Refrigeration Institute [ARI] or by the American Society of Heating, Refrigerating and Air-Conditioning Engineers [ASHRAE], as referenced in ASHRAE/IES Standard 90.1 and in effect on June 30, 1992.'' (42 U.S.C. 6314(a)(4)(A)) Under 42 U.S.C. 6314(a)(4)(B), if the industry test procedure for commercial package air-conditioning and heating equipment is amended, EPCA directs the Secretary to amend the corresponding DOE test procedure unless the Secretary determines, by rule and based on clear and convincing evidence, that such a modified test procedure does not meet the statutory criteria set forth in 42 U.S.C. 6314(a)(2) and (3).

On December 8, 2006, DOE published a final rule adopting test procedures for commercial package air-conditioning and heating equipment, effective January 8, 2007. 71 FR 71340. Table 1 to Title 10 of the Code of Federal Regulations (10 CFR) 431.96 directs manufacturers of commercial package air conditioning and heating equipment to use the appropriate procedure when measuring energy efficiency of this equipment. For small commercial packaged water-source heat pumps with capacities less than 135,000 Btu/h, ISO Standard 13256–1 (1998) is the applicable test procedure. For commercial package air-source equipment with capacities between 65,000 and 760,000 Btu/h, ARI Standard 340/360–2004 is the applicable test procedure.

DOE's regulations for covered products and equipment permit a person to seek a waiver from the test procedure requirements for covered commercial equipment if at least one of the following conditions is met: (1) The petitioner's basic model contains one or more design characteristics that prevent testing according to the prescribed test procedures; or (2) the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. 10 CFR 431.401(a)(1). Petitioners must include in their petition any alternate test procedures known to the petitioner to evaluate the basic model in a manner representative of its energy consumption. 10 CFR 431.401(b)(1)(iii). The Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) may grant a waiver subject to conditions, including adherence to alternate test procedures. 10 CFR 431.401(f)(4). Waivers remain in effect pursuant to the provisions of 10 CFR 431.401(g).

The waiver process also permits parties submitting a petition for waiver to file an application for interim waiver of the applicable test procedure requirements. 10 CFR 431.401(a)(2). The Assistant Secretary will grant an interim waiver request if it is determined that the applicant will experience economic hardship if the application for interim waiver is denied, if it appears likely that the petition for waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. 10 CFR 431.401(e)(3). An interim waiver remains in effect for 180 days or until DOE issues its determination on the petition for waiver, whichever occurs first. It may be extended by DOE for an additional 180 days. 10 CFR 431.401(e)(4).

On December 15, 2009, DOE granted Mitsubishi waivers from the DOE commercial air conditioner and heat pump test procedures for Mitsubishi's CITY MULTI WR2 and WY Series equipment and its CITY MULTI S&L Class equipment. 74 FR 66311; 74 FR 66315. On February 18, 2011, Mitsubishi submitted a petition for waiver, listing additional models of indoor units used in these multi-split systems. The petition includes indoor models in existing model families that have capacities not previously offered, as well as new indoor model families to be used with the systems. These additional indoor models face the same testing challenges as the models already covered by the previous CITY MULTI WR2 and WY Series waiver and the CITY MULTI S&L Class waiver. On April 6, 2011, DOE published Mitsubishi's petition for waiver in the **Federal Register**, and requested interested parties to comment. 76 FR 19078. No comments were received.

Assertions and Determinations

Mitsubishi's Petition for Waiver

Mitsubishi seeks a waiver from the applicable test procedures under 10 CFR 431.96 on the grounds that its new CITY MULTI WR2 and WY Series and S&L Class multi-split heat pumps contain design characteristics that prevent testing according to the current DOE test procedures. Specifically, Mitsubishi asserts that existing testing facilities have limited ability to test multiple indoor units at one time, and that the large number of possible combinations of indoor and outdoor units is impractical to test. DOE previously granted the CITY MULTI WR2 and WY Series and the CITY MULTI S&L Class equipment waivers on that basis. The additional indoor models that are the subjects of this petition would be used just as the equipment covered by the previous CITY MULTI WR2 and WY Series waiver and the CITY MULTI S&L Class waiver, and thus present exactly the same testing challenges.

As DOE found in its grants of the CITY MULTI WR2 and WY Series waiver and the CITY MULTI S&L Class waiver, indoor models are not the primary efficiency drivers for these systems; rather, the primary efficiency drivers are the outdoor units. Mitsubishi is not requesting a waiver for any new outdoor units. The new indoor units described above will be combined with the outdoor unit models covered by the prior waivers to create additional multi-split systems.

Both the CITY MULTI WR2 and WY Series waiver and the CITY MULTI S&L Class waiver prescribed alternate test procedures pursuant to which Mitsubishi tests and rates its WR2 and WY Series and S&L class equipment. No changes to those alternate test procedures are needed to cover the additional indoor units that are the subjects of Mitsubishi's current petition. Therefore, Mitsubishi has requested that the additional indoor units considered today be subject to the same alternate test procedures as outlined in the CITY MULTI WR2 and WY Series waiver and the CITY MULTI S&L Class waiver, as applicable.

DOE issues this Decision and Order granting Mitsubishi a test procedure waiver for its additional indoor units to be used in its CITY MULTI WR2 and

[1] For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A–1.

WY Series and CITY MULTI S&L Class multi-split heat pumps. As a condition of this waiver, Mitsubishi must use the alternate test procedure described below. This alternate test procedure is the same as the one that DOE approved for Mitsubishi in its waiver decisions in December 2009.

Alternate Test Procedure

The alternate test procedure permits Mitsubishi to designate a ''tested combination'' for each model of outdoor unit. The indoor units designated as part of the tested combination must meet specific requirements. For example, the tested combination must have between two and five indoor units so that the combination can be tested in available test facilities (for systems with nominal cooling capacities greater than 150,000 Btu/h, however, the number of indoor units may be as high as eight to allow testing of non-ducted indoor unit combinations). The tested combination must be tested according to the applicable DOE test procedures, as modified by the provisions of the alternate test procedure as set forth below.

The alternate DOE test procedure also allows Mitsubishi to represent the equipment's energy efficiency. These representations must fairly disclose the test results. The DOE test procedures, as modified by the alternate test procedure set forth in this Decision and Order, provide for efficiency rating of a non-tested combination in one of two ways: (1) at an energy efficiency level determined using a DOE-approved alternative rating method or (2) at the efficiency level of the tested combination utilizing the same outdoor unit.

For the reasons discussed above, DOE believes Mitsubishi's additional indoor units from its CITY MULTI WR2 and WY Series and CITY MULTI S&L Class multi-split equipment line cannot be tested using the procedures prescribed in 10 CFR 431.96 (ISO Standard 13256–1 (1998) and ARI Standard 340/360–2004) and incorporated by reference in DOE's regulations at 10 CFR 431.95(b)(2)–(3).

Consultations With Other Agencies

DOE consulted with the Federal Trade Commission (FTC) staff concerning the Mitsubishi petition for waiver. The FTC staff did not have any objections to issuing a waiver to Mitsubishi.

Conclusion

After careful consideration of all the materials submitted by Mitsubishi, the absence of any comments, and consultation with the FTC staff, it is ordered that:

(1) The petition for waiver filed by Mitsubishi (Case No. CAC–030) is hereby granted as set forth in the paragraphs below.

(2) Mitsubishi shall not be required to test or rate its additional indoor units of its CITY MULTI WR2 and WY and CITY MULTI S&L Class commercial package multi-split heat pumps listed below according to the existing test procedures under Table 1 of 10 CFR 431.96, which incorporates by reference the Air-Conditioning and Refrigeration Institute (ARI) Standard 340/360–2004 for the air-source CITY MULTI S&L Class equipment, and ISO Standard 13256–1998 for the water-source CITY MULTI WR2 and WY Series equipment. Instead, it shall be required to test and rate such equipment according to the alternate test procedure as set forth in paragraph (3).

PCFY-Series—Ceiling Suspended, with a capacity of 15 MBtu/h.

PEFY Series—Ceiling Concealed Ducted (Low Profile), with a capacity of 15 MBtu/h.

PKFY Series—Wall Mounted, with a capacity of 15 MBtu/h.

PLFY Series—4-Way Airflow Ceiling Cassette, with a capacity of 15 MBtu/h.

The PEFY-AF Series—100% outdoor air ventilation systems (Concealed ducted)—

PEFY-AF1200CFM/CFMR**, with a maximum outside air ventilation capability of 1200 CFM.

The PVFY Series—Vertical air handler (Concealed ducted), with capacities of 12/18/24/30/36/42/48/54 MBtu/h.

PWFY Series—Commercial Hot Water Heat Pump Indoor Units, with capacities of 36/72 MBtu/h and 36 MBtu/h with booster unit.

PEFY Series—Ceiling Concealed Ducted, with capacities of 06/08/12/15/18/24/27/30/36/48 MBtu/h.

PLFY Series—2′-by-2′ frame 4-Way Airflow Ceiling Cassette, with capacities of 8/12/15 MBtu/h.

(3) *Alternate test procedure.*

(A) Mitsubishi shall be required to test the basic models of CITY MULTI WR2 and WY Series and CITY MULTI S&L Class water and air-source outdoor units and compatible indoor units listed above and in combination with the basic models listed in the waivers granted on December 15, 2009 according to the test procedures for commercial central air conditioners and heat pumps prescribed under 10 CFR 431.96, except that Mitsubishi shall test a ''tested combination'' selected in accordance with the provisions of subparagraph (B). For every other system combination using the same outdoor unit as the tested combination, Mitsubishi shall make representations concerning the WR2 and WY Series and S&L Class CITY MULTI equipment covered in this interim waiver according to the provisions of subparagraph (C).

(B) Tested combination. The term tested combination means a sample basic model comprised of units that are production units, or are representative of production units, of the basic model being tested. For the purposes of this waiver, the tested combination shall have the following features:

(1) The basic model of a variable refrigerant flow system used as a tested combination shall consist of one outdoor unit, with one or more compressors, that is matched with between two and five indoor units. (For systems with nominal cooling capacities greater than 150,000 Btu/h, as many as eight indoor units may be used, so that non-ducted indoor unit combinations can also be tested.) For multi-split systems, each of these indoor units shall be designed for individual operation.

(2) The indoor units shall—

(i) Represent the highest sales model family or another indoor model family if the highest sales model family does not provide sufficient capacity (see ii);

(ii) Together, have a nominal cooling capacity that is between 95% and 105% of the nominal cooling capacity of the outdoor unit;

(iii) Not, individually, have a nominal cooling capacity that is greater than 50% of the nominal cooling capacity of the outdoor unit;

(iv) Operate at fan speeds that are consistent with the manufacturer's specifications; and

(v) Be subject to the same minimum external static pressure requirement while being configurable to produce the same static pressure at the exit of each outlet plenum when manifolded as per section 2.4.1 of 10 CFR Part 430, subpart B, appendix M.

(4) *Representations.* In making representations about the energy efficiency of its CITY MULTI WR2 and WY Series and CITY MULTI S&L Class multi-split heat pump products for compliance, marketing, or other purposes, Mitsubishi must fairly disclose the results of testing under the DOE test procedure in a manner consistent with the provisions outlined below:

(1) For CITY MULTI WR2 and WY Series and CITY MULTI S&L Class combinations tested in accordance with this alternate test procedure, Mitsubishi may make representations based on these test results.

(2) For CITY MULTI WR2 and WY Series and CITY MULTI S&L Class combinations that are not tested, Mitsubishi may make representations of non-tested combinations at the same energy efficiency level as the tested combination. The outdoor unit must be the one used in the tested combination. The representations must be based on the test results for the tested combination. The representations may also be determined by an Alternative Rating Method approved by DOE.

(5) This waiver shall remain in effect from the date this Decision and Order is issued, consistent with the provisions of 10 CFR 431.401(g).

(6) This waiver is issued on the condition that the statements, representations, and documentary materials provided by the petitioner are valid. DOE may revoke or modify the waiver at any time if it determines that the factual basis underlying the petition for waiver is incorrect, or the results from the alternate test procedure are unrepresentative of the basic models' true energy consumption characteristics.

(7) This waiver applies only to those basic models set out in Mitsubishi's petition for waiver.

(8) Grant of this waiver does not release a petitioner from the certification requirements set forth at 10 CFR Part 429.

Issued in Washington, DC, on July 5, 2011.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Office of Technology Development, Energy Efficiency and Renewable Energy.

[FR Doc. 2011–17311 Filed 7–8–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF11–4–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned Northeast Supply Link Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Northeast Supply Link Project (Project) involving construction and operation of facilities by Transcontinental Gas Pipe Line Company, LLC (Transco) in Pennsylvania, New Jersey, and New York. This EA will be used by the Commission in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input during the scoping process will help the Commission staff determine what issues need to be evaluated in the EA. The Commission staff will also use the scoping process to help determine whether preparation of an environmental impact statement is more appropriate for this Project based upon the potential significance of the anticipated levels of impact. Please note that the scoping period will close on August 15, 2011. This is not your only public input opportunity; please refer to the Environmental Review Process flow chart in Appendix 1.[1]

Comments may be submitted in written form or verbally. Further details on how to submit written comments are provided in the Public Participation section of this notice. In lieu of or in addition to sending written comments, you are invited to attend the public scoping meetings listed below.

Date and time	Location
Monday, July 18, 2011, 6 p.m. EDT	Hughesville Volunteer Fire Company, Social Hall, 10 South Railroad Street, Hughesville, PA 07456.
Tuesday, July 19, 2011, 6 p.m. EDT	Howard Johnson Inn, Pocono Room, 63 Route 611 (Highway 80 at Exit 302), Bartonsville, PA 18321.
Wednesday, July 20, 2011, 6 p.m. EDT	Holiday Inn Select, Regina Room, 111 West Main Street, Clinton, NJ 08809.
Thursday, July 21, 2011, 6 p.m. EDT	Ramada Hotel, 130 State Route 10, East Hanover, NJ 07936.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives are asked to notify their constituents of this planned Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with Federal or state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is included on the enclosed CD–ROM and is available for viewing on the FERC Web site (*http://www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Transco has announced its intention to expand its existing natural gas transmission system in Pennsylvania, New Jersey, and New York. The Project would increase natural gas transmission capacity to the northeast region of the United States by about 250,000 dekatherms per day from Transco's Leidy Line in Pennsylvania and New Jersey to existing delivery points in Pennsylvania, New Jersey, and New York City.

The Northeast Supply Link Project would consist of the following components:

1. Installation of three pipeline loop[2] segments:

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *http://www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] A loop is a segment of pipe that is usually installed adjacent to an existing pipeline and

Continued

- Palmerton Loop—Installation of 3.2 miles of 42-inch-diameter pipeline loop in Monroe County, Pennsylvania.
- Muncy Loop—Installation of 2.3 miles of 42-inch-diameter pipeline loop in Lycoming County, Pennsylvania.
- Stanton Loop—Installation of 6.8 miles of 42-inch-diameter pipeline loop in Hunterdon County, New Jersey.

2. Replacement of approximately 0.4 mile of existing 36-inch-diameter pipeline in Essex County, New Jersey.

3. Uprate [3] of two existing pipeline segments:

- Approximately 25.5 miles of 36-inch-diameter pipeline in Passaic, Essex, Hudson, and Bergen Counties, New Jersey.
- Approximately 1.4 miles of 24-inch-diameter pipeline in Richmond County, New Jersey and Kings County, New York.

4. Compressor station construction or modifications:

- Compressor Station 303—Installation of a new 20,000-horsepower (hp) electric-driven compressor station in Essex County, New Jersey.
- Compressor Station 515—Addition of 16,000 hp at the existing compressor station in Luzerne County, Pennsylvania.
- Compressor Station 505—Modifications of existing compressor units, yard piping, and valves at the existing compressor station in Somerset County, New Jersey.

5. Construction or modification of other aboveground facilities including eight meter and regulator stations, five mainline block valves, and other appurtenant facilities.

The general location of the Project facilities is shown in Appendix 2.

Land Requirements for Construction

Transco is still in the planning phase for the Project, and workspace requirements have not been finalized at this time. As currently planned, construction would disturb approximately 262.5 acres of land for the aboveground facilities and the pipeline. Following construction, about 25 acres would be maintained for permanent operation of the Project facilities. The remaining acreage would be restored and allowed to revert to former uses. As planned, the new pipeline loops would primarily be installed adjacent to Transco's existing pipeline system.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [4] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology and soils;
- Water resources, fisheries, and wetlands;
- Vegetation, wildlife, and endangered and threatened species;
- Cultural resources;
- Land use and cumulative impacts;
- Air quality and noise; and
- Public safety.

We will also evaluate reasonable alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC. As part of our pre-filing review, we have begun to contact some Federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA. In addition, representatives from FERC participated in the public open houses sponsored by Transco in the Project area in March and June 2011 to explain the Environmental Review Process to interested stakeholders.

Our independent analysis of the issues will be presented in the EA. The EA will be placed in the public record and, depending on the comments received during the scoping process, may be published and distributed to the public. A comment period will be allotted if the EA is published for review. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section beginning on page 6.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers has expressed its intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this Project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[5] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the Project is further developed. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

connected to it at both ends. The loop allows more gas to be moved through the system.

[3] An uprate is a process by which an existing pipeline is approved to operate at a higher pressure, thus increasing the capacity of the pipeline. To obtain an uprate, pipeline operators must determine and document that the pipeline can safely operate at the increased pressure.

[4] ''Us,'' ''we,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[5] The Advisory Council on Historic Preservation's regulations are at Title 36 of the Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Transco. This preliminary list of issues may be changed based on your comments and our analysis:

- Construction and operational impacts on nearby residences;
- Impacts on wetlands and waterbodies;
- Impacts on air quality and noise;
- Impacts on threatened and endangered species; and
- Safety.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before August 15, 2011.

For your convenience, there are four methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (PF11–4–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* A brochure prepared by the FERC entitled ''Your Guide to Electronic Information at FERC'' is included on the enclosed CD–ROM and is available for viewing on the FERC Web site (*http://www.ferc.gov*). This brochure provides additional details regarding the electronic information services available for the Project at the FERC.

1. You may file your comments electronically by using the *eComment* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

2. You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing'';

3. You may attend and provide either oral or written comments at a public scoping meeting. A transcript of each meeting will be made so that your comments will be accurately recorded and included in the public record; or

4. You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes Federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

If the EA is published for distribution, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version, or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 3).

Becoming an Intervenor

Once Transco files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until a formal application for the Project is filed with the Commission.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF11–4). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the text of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: July 1, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17251 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 12626–002; 12717–002]

Northern Illinois Hydropower, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the applications for original

licenses for the Brandon Road Hydroelectric Project (FERC Project No. 12717–002) and the Dresden Island Hydroelectric Project (FERC Project No. 12626–002). The Brandon Road Hydroelectric Project is proposed to be located on the Des Plaines River, near the City of Joliet, Will County, Illinois, at the U.S. Army Corps of Engineers' (Corps) Brandon Road Lock and Dam. The Dresden Island Hydroelectric Project is proposed to be located on the Illinois River, in the Town of Morris, Grundy County, Illinois, at the Corps' Dresden Island Lock and Dam.

Staff prepared a multi-project environmental assessment (EA), which analyzes the potential environmental effects of licensing the projects, and concludes that licensing the projects, with appropriate environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket, excluding the last three digits for each docket number, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* toll-free at 1–866–208–3676, or for TTY, 202–502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to these or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice. Comments may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/doc-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix Brandon Road Hydroelectric Project, P–12717–002 and Dresden Island Hydroelectric Project, P–12626–002 to all comments.

For further information, contact Janet Hutzel at (202) 502–8675 or by e-mail at *janet.hutzel@ferc.gov.*

Dated: July 5, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17289 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP11–78–000]

CenterPoint Energy Gas Transmission Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Line AM–46 Replacement Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Line AM–46 Replacement Project proposed by CenterPoint Energy Gas Transmission Company, LLC (CEGT) in the above-referenced docket. CEGT requests authorization to construct, operate, and abandon pipeline facilities in Howard, Hempstead, Sevier, and Little River Counties, Arkansas. The proposed project would replace a segment of CEGT's existing natural gas system to ensure a reliable natural gas supply of 50 million cubic feet per day to Ashdown, Arkansas.

The EA assesses the potential environmental effects of the construction and operation of the Line AM–46 Replacement Project in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Army Corps of Engineers participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The project would require a permit from the USACE pursuant to Section 404 of the Clean Water Act (33 United States Code 1344).

The proposed Line AM–46 Replacement Project involves the abandonment of a total of 16.2 miles of CEGT's Line AM–46 and associated segments; the construction of 16.7 miles of Line AM–204, a new 10-inch-diameter pipeline in Howard, Hempstead, and Sevier Counties, Arkansas; and the installation of a pig [1] launcher at the beginning of the new pipeline (MP 0.0) and a pig receiver at its terminus (MP 16.7).

The EA has been placed in the public files of the FERC and is available for public viewing on the FERC's Web site at *http://www.ferc.gov* using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Copies of the EA have been mailed to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are properly recorded and considered prior to a Commission decision on the proposal, it is important that the FERC receives your comments in Washington, DC on or before August 1, 2011.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (CP11–78–000) with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's Web site at *http://www.ferc.gov* under the link to Documents and Filings. An eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's Web site at *http://*

[1] A ''pig'' is a tool that is inserted into and moves through the pipeline, and is used for cleaning the pipeline, internal inspections, or other purposes.

www.ferc.gov under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing''; or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

Although your comments will be considered by the Commission, simply filing comments will not serve to make the commenter a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[2] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC or on the FERC Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP11–78). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm.*

Dated: July 1, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17247 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

[2] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. TS10–1–001]

Cross-Sound Cable Company, LLC; Notice of Filing

Take notice that on June 20, 2011, Cross-Sound Cable Company, LLC filed a request for continued waiver of the Commission's Standards of Conduct requirements of Part 358 and Order No. 889, pursuant to the Commission's April 21, 2011 Order, *Black Hills Power, Inc., et al.,* 135 FERC ¶ 61,058 (2011) (April 21 Order).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 11, 2011.

Dated: July 1, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17246 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL11–48–000]

Southern California Edison Company; Notice of Filing

Take notice that on June 30, 2011, pursuant to Rule 207 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (FERC or the Commission), 18 CFR 385.207 (2011), Southern California Edison Company filed a petition for a limited historical waiver (for the limited period from 2008–2010) of specific provisions of FERC's Order 2003 *et. seq.* requirement to annually reassess the estimated current tax liability with respect to those generator interconnection agreements it had on file before 2011.

Any person desiring to intervene or to protest in the above proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the

eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filing in the above proceeding is accessible in the Commission's eLibrary system. It is also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. on July 22, 2011.

Dated: July 1, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17248 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–3941–000]

Granite Reliable Power, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Granite Reliable Power, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 21, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(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.

Dated: July 1, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17250 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER11–3917–000]

Mojave Solar LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Mojave Solar LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 21, 2011.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(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.

Dated: July 1, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17249 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14145–000]

Pacific Green Power, LLC; Notice Of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 1, 2011, Pacific Green Power, LLC filed an application for a preliminary permit, pursuant to section

4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Two Girls Creek Hydroelectric Project (Two Girls Creek Project or project) to be located on Two Girls Creek, near Sweet Home, Linn County, Oregon. The project would occupy in part lands managed by the U.S. Forest Service as part of the Willamette National Forest. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new 9.5-foot-high, 60-foot-long concrete weir impounding a 6,000-square-foot reservoir with a storage capacity of 1.2 acre-feet; (2) a new 19,365-foot-long buried penstock made up of 30-inch-diameter steel pipe and 36-inch-diameter high-density polyethylene (HDPE) pipe; (3) a new 30-foot by 40-foot concrete block powerhouse containing one Pelton turbine and generator with a capacity of 5.0 megawatts; (4) a new 40-foot-long, 42-inch-diameter HDPE tailrace returning flows to Two Girls Creek above a natural fish barrier; and (5) a new 12-kilovolt, 7.2-mile-long transmission line. The estimated annual generation would be 36.87 gigawatt-hours.

Applicant Contact: Mr. David G. Harmon, P.E., Pacific Green Power, LLC, P.O. Box 44, Sweet Home, Oregon 97386; phone: (541) 405–5236.

FERC Contact: Dianne Rodman; phone: (202) 502–6077.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14145–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: July 5, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17288 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP11–2136–000; RP11–2137–000]

Dominion Cove Point LNG, LP; Notice of Technical Conference

On May 27, 2011, pursuant to section 4 of the Natural Gas Act (NGA), Dominion Cove Point LNG, LP (Cove Point) filed revised tariff records in Docket Nos. RP11–2136–000 and RP11–2137–000, proposing to change its rates for existing services and to change certain terms and conditions of service. In orders issued on June 24, 2011, in Docket No. RP11–2136–000, and on June 30, 2011, in Docket No. RP11–2137–000, the Commission accepted and suspended several protested tariff records, subject to refund and to the outcome of a hearing or technical conference.

Take notice that a technical conference to discuss all non-rate issues raised by Cove Point's filings will be held on Thursday July 14, 2011 at 10 am (EST), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Federal Energy Regulatory Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

All interested persons, parties, and staff are permitted to attend. For further information please contact Vince Mareino at (202) 502–6167.

Dated: July 1, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–17252 Filed 7–8–11; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2004–0015; FRL–9435–2]

Agency Information Collection Activities; Proposed Collection; Comment Request; Clean Water Act State Revolving Fund Program

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 to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on December 31, 2011. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before September 9, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2004–0015 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: OW–Docket@EPA.gov*
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of three copies.
- *Hand Delivery:* EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2004–0015. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://*

www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The www.regulations.gov website 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 www.regulations.gov your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Clifford Yee, Office of Wastewater Management, Mail Code: 4204M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–564–0598; fax number: 202–501–2403; e-mail address: *yee.clifford@epa.gov.*

SUPPLEMENTARY INFORMATION:

How can I access the docket and/or submit comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2004–0015, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Water Docket is 202–566–2426.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

In what information is EPA particularly interested?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under **DATES**.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What information collection activity or ICR does this apply to?

Affected entities: Entities potentially affected by this action are State and local governments; local communities and tribes.

Title: Clean Water Act State Revolving Fund Program (Renewal)

ICR numbers: EPA ICR No. 1391.10, OMB Control No. 2040–0118.

ICR status: This ICR is currently scheduled to expire on December 31, 2011. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Clean Water Act (CWA), as amended by ''The Water Quality Act of 1987'' (U.S.C. 1381–1387 *et. seq.*), created a Title VI which authorizes grants to States for the establishment of State Water Pollution Control Revolving Funds (SRF). The information collection activities will occur primarily at the program level through the State ''Intended Use Plan'' (IUP) and ''Annual Report''. The information is needed annually to implement Section 606 of the (CWA).

The 1987 Act declares that water pollution control revolving funds shall be administered by an instrumentality of the State subject to the requirements of the act. This means that each State has a general responsibility for administering its revolving fund and must take on certain specific responsibilities in carrying out its administrative duties. The information collection activities will occur primarily at the program level through the State IUP and Annual Report. The information is needed annually to implement section 606 of the Clean Water Act (CWA). The Act requires the information to ensure national accountability, adequate public comment and review, fiscal integrity and consistent management directed to achieve environmental benefits and results. The individual information collections are:

(1) *Capitalization Grant Application and Agreement/State IUP:* The State will prepare a Capitalization Grant application that includes a State IUP outlining in detail how it will use all of

the funds available to the fund. The grant agreement contains or incorporates by reference the IUP, application materials, payment schedule, and required assurances. The bulk of the information is provided in the IUP, the legal agreement which commits the State and EPA to execute their responsibilities under the Act.

(2) *Annual Report:* The State must agree to complete and submit an Annual Report that indicates how the State has met the goals and objectives of the previous fiscal year as stated in the IUP and grant agreement. The report provides information on loan recipients, loan amounts, loan terms, project categories, environmental benefits and similar data on other forms of assistance. The report describes the extent to which the existing SRF financial operating policies, alone or in combination with other State financial assistance programs, will provide for the long term fiscal health of the Fund and carry out other provisions specified in the grant operating agreement.

(3) *Annual Audit:* Most States have agreed to conduct or have conducted a separate financial audit of the Capitalization Grant which will provide opinions on the financial statements and a report on the internal controls and compliance with program requirements. The remaining States will be covered by audits conducted under the requirements of the Single Audit Act and by EPA's Office of Inspector General.

(4) *Application for SRF Financial Assistance:* Local communities and other eligible entities have to prepare and submit applications for SRF assistance to their respective State Agency which manages the SRF program. The State reviews the completed loan application and verifies that the proposed projects will comply with applicable Federal and State requirements.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 108 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 4,080.

Frequency of response: Annually.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 441,405.

Estimated total annual costs: $15,383,300. This includes an estimated burden cost of $8,856,320 State, and $6,526,980 Local.

Are there changes in the estimates from the last approval?

There is an increase of 76,500 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's acceptance of additional loan applicants for the State SRF loan program. The increase in burden hours is the time needed to process and report on these loans on an annual basis.

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. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: July 1, 2011.

Sheila Frace,

Acting Director, Office of Wastewater Management.

[FR Doc. 2011–17358 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[A–1–FRL–9431–8]

Approval of Outer Continental Shelf (OCS) Permit Issued to Cape Wind Associates, LLC (EPA Permit Number OCS–R1–01)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that on June 2, 2011, the Environmental Protection Agency (EPA) issued a final Outer Continental Shelf (OCS) air permit decision regarding Cape Wind Associates, LLC (Cape Wind). The OCS permit, which was issued pursuant to regulations, authorizes Cape Wind to construct and operate an offshore renewable wind energy project in federal waters off the coast of Massachusetts.

DATES: *Effective Date:* EPA's OCS permit for Cape Wind became effective on June 2, 2011. Pursuant to Section 307(b)(1) of the Clean Air Act (CAA), 42 U.S.C. 7607(b)(1), judicial review of this permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the First Circuit by September 9, 2011.

ADDRESSES: Cape Wind's final permit, original and supplemental OCS permit applications, draft OCS permit, fact sheet, and other supporting documents are available either electronically through *http://www.epa.gov/NE/communities/nseemissions.html* or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Brendan McCahill, EPA Region 1, (617) 918–1652, or send an e-mail to *mccahill.brendan@epa.gov.*

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

On January 7, 2011, EPA issued a final permit (OCS Permit No. OCS–R1–01) for the Cape Wind project. On February 9, 2011, the Alliance to Protect Nantucket Sound and the Wampanoag

Tribe of Gay Head/Aquinnah submitted a petition to EPA's Environmental Appeals Board (EAB) seeking review of the final permit (OCS Appeal No. 11–01). On May 20, 2011, the EAB denied the petition for review of the permit. Readers interested in more detail on the appeal issues raised by the petitioners and the reasons for the EAB's denial of review may download EAB's Order Denying Review from the EAB Web site at *http://www.epa.gov/eab.* On June 2, 2011, pursuant to 40 CFR 124.19(f)(1), EPA sent a Notice of Final Permit Decision to Cape Wind, the Alliance to Protect Nantucket Sound, and the Wampanoag Tribe of Gay Head/Aquinnah, notifying them that the conditions of the permit took effect on June 2, 2011.

Under 40 CFR 55.6(a)(3), when EPA issues OCS permits it must follow the procedures in 40 CFR part 124 that are used to issue PSD permits. This notice is being published pursuant to 40 CFR 124.19(f)(2), which requires notice of any final agency action regarding a PSD (or, in this case, non-PSD OCS) permit to be published in the **Federal Register**. This notice constitutes notice of EPA's final agency action denying review of the final permit and, consequently, notice of EPA New England's issuance of the final permit decision to Cape Wind. If available, judicial review of these determinations under section 307(b)(1) of the CAA may be sought only by the filing of a petition for review in the United States Court of Appeals for the First Circuit, within 60 days from the date on which this notice is published in the **Federal Register**. Under section 307(b)(2) of the CAA, this determination shall not be subject to later judicial review in any civil or criminal proceedings for enforcement.

Dated: June 22, 2011.

Ira W. Leighton,

Acting Regional Administrator, EPA New England.

[FR Doc. 2011–17260 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9435–3]

Notification of Public Teleconferences of the Science Advisory Board Radiation Advisory Committee Augmented With Additional Experts for a Consultation on Revisions to the Multi-Agency Radiation Survey and Site Investigation Manual

AGENCY: Environmental Protection Agency (EPA), Science Advisory Board Staff Office.

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces two teleconferences of the Radiation Advisory Committee (RAC) augmented for a consultation on the revisions to the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM).

DATES: The public teleconferences will be conducted on Tuesday, July 26, and Wednesday, July 27, 2011, from 1 p.m. to 5 p.m. (Eastern Daylight Time) on each day.

ADDRESSES: The public teleconferences will be conducted by telephone only.

Purpose of the Teleconferences and Meeting: The purpose of the July 26 and 27, 2011 teleconferences is to discuss proposed revisions that may be needed to update the current MARSSIM manual, dated August, 2001.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice may contact Dr. K. Jack Kooyoomjian, Designated Federal Officer (DFO), SAB Staff Office (1400R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or by telephone/voice mail at (202)-564–2064, or via email at *kooyoomjian.jack@epa.gov*. General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at *http//www.epa.gov/sab*.

Technical Contact: Technical background information pertaining to the MARSSIM document can be found at *http://epa.gov/radiation/marssim*. The MARSSIM provides information on planning, conducting, evaluating, and documenting building surface and surface soil final status radiological surveys for demonstrating compliance with dose or risk-based regulations or standards. For questions concerning the technical aspects of this topic, please contact Dr. Mary E. Clark of the U.S. EPA, ORIA by telephone at (202) 343–9348, or via e-mail at *clark.marye@epa.gov*.

SUPPLEMENTARY INFORMATION:

Background: The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical peer review advice, consultation and recommendations to the EPA Administrator on the technical basis for Agency actions, positions and regulations. As a Federal Advisory Committee, the SAB conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. Pursuant to FACA and EPA policy, notice is hereby given that the SAB will hold two public teleconferences. The SAB will comply with the provisions of FACA and all appropriate EPA and SAB Staff Office procedural policies.

The MARSSIM is the official multi-agency (U.S EPA, U.S. Nuclear Regulatory Commission, U.S. Department of Energy and U.S. Department of Defense) consensus document on planning, coordinating, evaluating and documenting environmental radiological surveys prepared by those federal agencies having authority and control over radioactive materials. These four federal agencies also comprise the MARSSIM Workgroup, which developed the first MARSSIM. The current MARSSIM document describes a consistent approach for planning, performing, and assessing building surface and surface soil final status surveys to meet established dose or risk-based release criteria, while at the same time encouraging an effective use of resources.

The MARSSIM document was first published in 1997, with errata and addenda pages published in 1998 and 1999. Revision 1 to MARSSIM was published in 2000, and additional errata and addenda pages were published as Attachment A in 2001. It provides guidance to federal agencies and other parties, including states, site owners, contractors and private entities on how to demonstrate that their site is in compliance with a radiation dose or risk-based regulation, otherwise known as a release criterion. The MARSSIM Workgroup is seeking SAB advice regarding proposed future revisions to the MARSSIM which is available at *http://www.epa.gov/radiation/marssim/obtain.html.* Background information about the consultation can be found on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/MARSSIM%20Revisions?OpenDocument.*

Availability of Meeting Materials: The Agenda, roster of the augmented RAC,

the charge to the SAB for the consultation, and other supplemental materials in support of the two-session public teleconference will be placed on the SAB Web site at *http//: www.epa.gov/sab* in advance of the teleconference and meeting.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the Designated Federal Officer directly at the contact information provided.

Oral Statements: In general, individuals or groups requesting an oral presentation at a teleconference will be limited to three minutes. Those interested in being placed on the public speakers list for the July 26 and 27, 2011 teleconference should contact Dr. Kooyoomjian at the contact information provided above no later than noon on July 22 2011. *Written Statements:* Written statements should be supplied to the DFO via e-mail at the contact information noted by noon July 22, 2011 for the teleconference, so that the information may be made available to the members of the augmented RAC for their consideration. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows98/2000/XP format. It is the SAB Staff office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document, because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Kooyoomjian at (202) 564–2064, or *e-mail kooyoomjian.jack@epa.gov*. To request accommodation of a disability, please contact Dr. Kooyoomjian preferably at least ten days prior to the teleconference or meeting to give as much time as possible to process your request.

Dated: July 1, 2011.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2011–17351 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0332; FRL–8879–6]

Methyl Parathion; Rescission of Previously Issued Cancellation Orders and Issuance of Revised Cancellation Orders for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's rescission of two previously issued cancellation orders, and the issuance of a revised cancellation order, pursuant to a voluntary request by the registrant and accepted by the Agency, of products containing methyl parathion, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. Specifically, this notice rescinds two previously issued Cancellation Orders, a February 25, 2011 **Federal Register** Notice and a March 23, 2011 **Federal Register** Notice to the extent they are applicable to methyl parathion products because the orders did not correctly reflect the terms and conditions of the registrant's 6(f)(1) voluntary cancellation request with respect to the effective date as well as conditions governing the disposition of existing stocks for the affected methyl parathion products. This revised order correctly identifies the effective date of cancellation for the affected product registrations as well as the corrected dates associated with the disposition of existing stocks. These are the last products containing methyl parathion registered for use in the United States. The rescission and revised order only applies to methyl parathion registrations. All other product registrations for all other chemicals that were included in the above mentioned cancellation orders and are not rescinded or otherwise affected by this action.

DATES: The methyl parathion cancellations are effective December 31, 2012.

FOR FURTHER INFORMATION CONTACT: Kelly Ballard, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–8126; fax number: (703) 305–5290; e-mail address: *ballard.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–0332. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the Office of Pesticide Programs (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.

II. What action is the Agency taking?

EPA is rescinding two previously issued Cancellation Orders, a February 25, 2011 **Federal Register** Notice (76 FR 10587) (FRL–8663–4) and a March 23, 2011 **Federal Register** Notice (76 FR 16419) (FRL–8667–8) to the extent they are applicable to methyl parathion products because the orders did not correctly reflect the terms and conditions of the registrant's 6(f)(1)

voluntary cancellation request with respect to the effective date as well as conditions governing the disposition of existing stocks for the affected methyl parathion products. EPA is also hereby issuing a corrected order identifying the correct effective date of cancellation for the affected product registrations as well as the corrected dates associated with the disposition of existing stocks.

The cancellation orders for methyl parathion products, issued in the **Federal Register** on February 25, 2011 and March 23, 2011 are rescinded. The rescission only applies to methyl parathion registrations. The above mentioned cancellation orders remain in full force and effect with respect to all other product registrations and chemicals contained in those cancellation orders. This notice also announces the issuance of a cancellation order, as requested by a registrant, of methyl parathion products registered under section 24(c) Special Local Needs (SLN). The affected registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—METHYL PARATHION PRODUCT CANCELLATIONS

EPA registration No.	Product name
AL000001	PENNCAP–M Microencapsulated Insecticide.
AR000006	PENNCAP–M Microencapsulated Insecticide.
CA000001	PENNCAP–M Microencapsulated Insecticide.
LA040013	PENNCAP–M Microencapsulated Insecticide.
LA090005	PENNCAP–M Microencapsulated Insecticide.
MS000009	PENNCAP–M Microencapsulated Insecticide.
TX990012	PENNCAP–M Microencapsulated Insecticide.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed above.

TABLE 2—REGISTRANT OF CANCELLED PRODUCTS

EPA company No.	Company name and address
70506	United Phosphorus, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.

III. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the cancellations of methyl parathion registrations identified in Table 1 of Unit II, as originally requested by the registrant. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II are canceled. The effective date of the methyl parathion cancellations that are subject of this cancellation order is December 31, 2012. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit V will be a violation of FIFRA.

IV. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register.** Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notices of receipts for this action were published for comment on September 22, 2010 (75 FR 57787) (FRL–8846–2) and January 26, 2011 (76 FR 4692) (FRL–8856–9). The comment periods closed on October 22, 2010 and February 25, 2011, respectively. No comments were received from either notice. However, EPA mistakenly issued a cancellation order with respect to the product listed in Table 1 that was inconsistent with the terms and conditions of the registrant's request. EPA is therefore rescinding its earlier cancellation order with respect to these methyl parathion products and issuing a corrected cancellation order.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

Registrants are prohibited from selling and distributing end-use products as of December 31, 2012. Persons other than the registrants are prohibited from selling or distributing end-use products as of August 31, 2013. All sales and distributions of end-use products shall be prohibited as of August 31, 2013, except for exports consistent with section 17 of FIFRA or for proper disposal. Additionally, all use of existing stocks of the end-use products shall be prohibited as of December 31, 2013.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 30, 2011.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2011–17354 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9435–4]

Clean Air Act Advisory Committee (CAAAC); Request for Nominations for 2011 Clean Air Excellence Awards Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for nominations for Clean Air Excellence Awards.

SUMMARY: EPA established the Clean Air Excellence Awards Program in February, 2000. This is an annual awards program to recognize outstanding and innovative efforts that support progress in achieving clean air. This notice announces the competition for the Year 2011 program.

DATES: All submissions of entries for the Clean Air Excellence Awards Program must be postmarked by August 24th, 2011.

FOR FURTHER INFORMATION CONTACT: Concerning the Clean Air Excellence Awards Program please use the CAAAC Web site and click on awards program or contact Mr. Pat Childers, U.S. EPA at 202–564–1082 or 202–564–1352 (Fax), mailing address: Office of Air and Radiation (6102A), 1200 Pennsylvania Avenue, NW., Washington, DC 20004.

SUPPLEMENTARY INFORMATION: Awards Program Notice: Pursuant to 42 U.S.C. 7403(a)(1) and (2) and sections 103(a)(1) and (2) of the Clean Air Act (CAA), notice is hereby given that the EPA's Office of Air and Radiation (OAR) announces the opening of competition for the Year 2011 ''Clean Air Excellence Awards Program''(CAEAP). The intent of the program is to recognize and honor outstanding, innovative efforts that help to make progress in achieving cleaner air. The CAEAP is open to both public and private entities. Entries are limited to the United States. There are five general award categories: (1) Clean Air Technology; (2) Community Action; (3) Education/Outreach; (4) Regulatory/ Policy Innovations; (5) Transportation Efficiency Innovations; and two special awards categories: (1) Thomas W. Zosel Outstanding Individual Achievement Award. (2) Gregg Cooke Visionary Program Award. Awards are given on an annual basis and are for recognition only.

Entry Requirements: All applicants are asked to submit their entry on a CAEAP entry form, contained in the CAEAP Entry Package, which may be obtained from the Clean Air Excellence Awards Web site at *http://www.epa.gov/air/cleanairawards/index.html* or by contacting Mr. Pat Childers, U.S. EPA at 202–564–1082 or 202–564–1352 (Fax), mailing address: Office of Air and Radiation (6102A), 1200 Pennsylvania Avenue, NW., Washington, DC 20004. The entry form is a simple, three-part form asking for general information on the applicant and the proposed entry; asking for a description of why the entry is deserving of an award; and requiring information from three (3) independent references for the proposed entry. Applicants should also submit the entry form electronically (cd preferred) and additional supporting documentation as necessary. Specific directions and information on filing an entry form are included in the Entry Package.

Judging and Award Criteria: Judging will be accomplished through a screening process conducted by EPA staff, with input from outside subject experts, as needed. Members of the CAAAC will provide advice to EPA on the entries. The final award decisions will be made by the EPA Assistant Administrator for Air and Radiation. Entries will be judged using both general criteria and criteria specific to each individual category. There are four (4) general criteria: (1) The entry directly or indirectly (*i.e.,* by encouraging actions) reduces emissions of criteria pollutants or hazardous/toxic air pollutants; (2) The entry demonstrates innovation and uniqueness; (3) The entry provides a model for others to follow (*i.e.,* it is replicable); and (4) The positive outcomes from the entry are continuing/ sustainable. Although not required to win an award, the following general criteria will also be considered in the judging process: (1) The entry has positive effects on other environmental media in addition to air; (2) The entry Demonstrates effective collaboration and partnerships; and (3) The individual or organization submitting the entry has effectively measured/ evaluated the outcomes of the project, program, technology, etc. As previously mentioned, additional criteria will be used for each individual award category. These criteria are listed in the 2011 Entry Package.

Dated: July 6, 2011.

Patrick Childers,

Designated Federal Official for Clean Air Act Advisory Committee.

[FR Doc. 2011–17353 Filed 7–8–11; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on July 14, 2011, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- June 9, 2011
- June 22, 2011

B. New Business

- Investment Management—Proposed Rule

Dated: July 7, 2011.

Mary Alice Donner,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 2011–17466 Filed 7–7–11; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Tuesday, July 12, 2011

Date: July 5, 2011.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, July 12, 2011, which is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

1	Media	*Title:* Creation of A Low Power Radio Service (MM Docket No. 99–25) and Amendment of Service and Eligibility rules for FM Broadcast Translator Stations (MB Docket No. 07–172) *Summary:* The Commission will consider a Notice of Proposed Rule Making seeking comment on the impact of the Local Community Radio Act on the future licensing of low power FM and FM translator stations.

2	Consumer & Governmental Affairs	*Title:* Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (''Cramming''); Consumer Information and Disclosure (CG Docket No. 09–158) and Truth-in-Billing Format (CC Docket No. 98–170) *Summary:* The Commission will consider a Notice of Proposed Rule Making designed to empower consumers to prevent and detect unauthorized telephone bill charges (''mystery fees'' or ''cramming'') by improving the disclosure of third-party charges on telephone bills.
3	Public Safety and Homeland Security Bureau.	*Title:* Wireless E911 Location Accuracy Requirements (PS Docket No. 07–114); E911 Requirements for IP-Enabled Service Providers (WC Docket No. 05–196); and Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules *Summary:* The Commission will consider a Report and Order enabling a more effective emergency response system by ensuring that 911 call centers continue to receive precise wireless E911 location information and a Second Further Notice of Proposed Rulemaking and a Notice of Proposed Rulemaking seeking to improve E911 location accuracy and reliability for existing and new voice communications technologies, including Voice over Internet Protocol (VoIP).

Reforms to certain of the Commission's procedural rules took effect June 1, 2011. See *http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0415/FCC-11-11A1.pdf.* Pursuant to these rules, the Sunshine period will now begin at midnight on the day that the Open Meeting agenda (Sunshine notice) is released. Thus, the Sunshine period for the July 12, 2011 Meeting begins at midnight tonight. Note that under the revised rules, ex parte presentations made on the day the Sunshine notice is released relating to a covered proceeding must be filed by the next business day. For further information on revised rules relating to the Sunshine period and ex parte presentations, consult our Web site. See *http://www.fcc.gov/exparte.*

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov mailto:fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live web page at *http://www.fcc.gov/live http://www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Bulah P. Wheeler,

Deputy Manager, Office of the Secretary, Office of Managing Director.

[FR Doc. 2011–17433 Filed 7–7–11; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 26, 2011.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *John K. Delany and the Delany Family Trust,* both of Chevy Chase, Maryland, and Jason M. Fish, San Francisco, California; to acquire voting shares of Congressional Bancshares, Inc., Bethesda, Maryland, and thereby indirectly acquire voting shares of Congressional Bank, Potomac, Maryland.

Board of Governors of the Federal Reserve System, July 6, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–17282 Filed 7–8–11; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 5, 2011.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200

North Pearl Street, Dallas, Texas 75201–2272:

1. *Integrity Bancshares, Inc.,* Houston Texas; to become a bank holding company by acquiring 100 percent of Integrity Bank, SSB, Houston, Texas.

Board of Governors of the Federal Reserve System.

Dated: July 6, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–17283 Filed 7–8–11; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Government in the Sunshine; Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m. on July 7, 2011.

The business of the Board requires that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel Matters.

FOR MORE INFORMATION PLEASE CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 7, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–17487 Filed 7–7–11; 4:15 pm]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 26, 2011.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. ASB Bancorp, Inc., Asheville, North Carolina; to engage *de novo* in extending credit and servicing loans activities, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, July 6, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–17281 Filed 7–8–11; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The Federal Trade Commission (FTC) is seeking public comments on its proposal to extend through October 31, 2014, the current PRA clearance for information collection requirements contained in its Trade Regulation Rule entitled Power Output Claims for Amplifiers Utilized in Home Entertainment Products (Amplifier Rule or Rule), 16 CFR Part 432 (OMB Control Number 3084–0105). That clearance expires on October 31, 2011.

DATES: Comments must be filed by September 9, 2011.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Amplifier Rule: FTC File No. P974222'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/amplifierrulepra,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, M–8133, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Proposed Information Collection Activities

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). Because the number of entities affected by the Commission's requests will exceed ten, the Commission plans to seek OMB clearance under the PRA. As required by § 3506(c)(2)(A) of the PRA, the Commission is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the information collection requirements associated with the Commission's Amplifier Rule.

The Amplifier Rule assists consumers by standardizing the measurement and disclosure of power output and other performance characteristics of amplifiers in stereos and other home entertainment equipment. The Rule also specifies the test conditions necessary to make the disclosures that the Rule requires.

Request for Comments

The FTC invites comments on: (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) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including 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. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before September 9, 2011.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before September 9, 2011. Write ''Amplifier Rule: FTC File No. P974222'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.govios/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any ''[tirade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, don't include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/amplifierrulepra,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Amplifier Rule: FTC File No. P974222'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before September 9, 2011. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

Amplifier Rule Burden Statement

Estimated annual hours burden: 450 hours (300 testing-related hours; 150 disclosure-related hours).

The Rule's provisions require affected entities to test the power output of amplifiers in accordance with a specified FTC protocol. The Commission staff estimates that approximately 300 new amplifiers and receivers come on the market each year. High fidelity manufacturers routinely conduct performance tests on these new products prior to sale. Because manufacturers conduct such tests, the Rule imposes no additional costs except to the extent that the FTC protocol is more time-consuming than alternative testing procedures. In this regard, a warm-up period that the Rule requires before measurements are taken may add approximately one hour to the time testing would otherwise entail. Thus, staff estimates that the Rule imposes approximately 300 hours (1 hour × 300 new products) of added testing burden annually.

In addition, the Rule requires disclosures if a manufacturer makes a power output claim for a covered product in an advertisement, specification sheet, or product brochure. This requirement does not impose any additional costs on manufacturers because, absent the Rule, media advertisements, as well as manufacturer specification sheets and product brochures, would contain a power specification obtained using an alternative to the Rule-required testing protocol. The Rule, however, also requires disclosure of harmonic distortion, power bandwidth, and impedance ratings in manufacturer specification sheets and product brochures that might not otherwise be included.

Staff assumes that manufacturers produce one specification sheet and one brochure each year for each new amplifier and receiver. The burden of disclosing the harmonic distortion, bandwidth, and impedance information on the specification sheets and brochures is limited to the time needed to draft and review the language pertaining to the aforementioned specifications. Staff estimates the time involved for this task to be a maximum of fifteen minutes for each new specification sheet and brochure for a total of 150 hours ([300 new products × 1 specification sheet) + (300 new products × 1 brochure)] × 15 minutes).

The total annual burden imposed by the Rule, therefore, is approximately 450 burden hours for testing and disclosures.

Estimated annual cost burden: $18,300.[2]

Generally, electronics engineers perform the testing of amplifiers and receivers. Staff estimates a labor cost of $12,900 for such testing (300 hours for testing × $43 mean hourly wages). Staff assumes advertising or promotions managers prepare the disclosures contained in product brochures and manufacturer specification sheet and estimates a labor cost of $5,400 (150 hours for disclosures × $36 mean hourly wages). Accordingly, staff estimates the total labor costs associated with the Rule to be approximately $18,300 per year ($12,900 for testing + $5,400 for disclosures).

The Rule imposes no capital or other non-labor costs because its requirements are incidental to testing and advertising done in the ordinary course of business.

Willard K. Tom,

Willard K. Tom, General Counsel.

[FR Doc. 2011–17300 Filed 7–8–11; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, July 22 2011, from 8:30 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Eisenberg Conference Center, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850.

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, Coordinator of the Advisory Council, at the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland, 20850, (301) 427–1456. For press-related information, please contact Karen Migdail at (301) 427–1855.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than July 15, 2011. The agenda, roster, and minutes are available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland, 20850. Ms. Campbell's phone number is (301) 427–1554.

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Advisory Council for Healthcare Research and Quality is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships.

The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

II. Agenda

On Friday, July 22, there will be a subcommittee meeting for the National Healthcare Quality and Disparities Report scheduled to begin at 7:30 a.m. The Council meeting will convene at 8:30 a.m., with the call to order by the Council Chair and approval of previous Council summary notes. The AHRQ Director will present her update on current research, programs, and initiatives. The final agenda will be available on the AHRQ Web site at *http://www.ahrq.gov* no later than July 18, 2011.

This notice is published less than 15 days in advance of the meeting date due to logistical difficulties.

June 5, 2011.

Carolyn M. Clancy,

Director.

[FR Doc. 2011–17310 Filed 7–8–11; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institute for Occupational Safety and Health, (NIOSH), World Trade Center Health Program Science/Technical Advisory Committee (WTCHP–STAC)

Correction: This notice was published in the **Federal Register** on June 23, 2011, Volume 76, Number 121, Page 36926–36927. The notice for the aforementioned solicitation has been changed to extend the deadline for receiving nominations. Nominations should be submitted (postmarked or received) no later than 5 p.m. EST July 29, 2011.

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: July 1, 2011.

Elizabeth A. Millington,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–17302 Filed 7–8–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Low Income Home Energy Assistance Program (LIHEAP) Household Report.

OMB No. 0970–0060.

Description: This report is an annual activity required by statute (42 U.S.C. 8629) and Federal reguations (45 C.F.R. 96.92) for the Low Income Home Energy Assistance Program (LIHEAP). Submission of the completed report is one requirement for LIHEAP grantees applying for Federal LIHEAP block grant funds. States, the District of Columbia, and the Commonwealth of Puerto Rico are required to report statistics for the previous Federal fiscal year on:

- Assisted and applicant households, by type of LIHEAP assistance;

[2] Staff's labor cost estimates are based on recent data from the Bureau of Labor and Statistics found here: *http://www.b1s.govincs/ocs/spinctb1477.pdf.*

• Assisted and applicant households, by type of LIHEAP assistance and poverty level;
• Assisted households, regardless of the type(s) of LIHEAAP assistance;
• Assisted households, by type of LIHEAP assistance, having at least one vulnerable member broken out; by a person at least 60 years or younger, disabled person, or a child five years older of younger;
• Assisted households, by type of LIHEAP assistance, with least one member age 2 years or under;
• Assisted households, by type of LIHEAP assistance, with at least one member ages 3 years through 5 years; and
• Assisted households, regardless of the type(s) of LIHEAP assistance, having at least one member 60 years or older, disabled, or five years old or younger.

Insular areas (other than the Commonwealth of Puerto Rico) and Indian Tribal Grantees are required to submit data only on the number of households receiving heating, cooling, energy crisis, or weatherization benefits.

The information is being collected for the Department's annual *LIHEAP Report to Congress.* The data also provide information about the use of LIHEAP funds. Finally, the data are used in the calculation of LIHEAP performance measures under the Government Performance and Results Act of 1993. The data elements will allow the accuracy of measuring LIHEAP targeting performance and LIHEAP cost efficiency.

Respondents: State Governments, Tribal Governments, Insular Areas, the District of Columbia, and the Commonwealth of Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Assisted Household Report-Long Form	52	1	25	1,300
Assisted Household Report-Short Form	164	1	1	164
Applicant Household Report	52	1	13	676

Estimated Total Annual Burden Estimates: 2,140.

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: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2011–17220 Filed 7–8–11; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0493]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3792, *Elizabeth.Berbakos@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 8, 2011 (76 FR 6801), the Agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0688. The approval expires on June 30, 2014. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain*.

Dated: July 5, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–17280 Filed 7–8–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0623]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Voluntary Cosmetic Registration Program

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Voluntary Cosmetic Registration Program'' has been approved by the Office of Management and Budget

(OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3793.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 25, 2011 (76 FR 10607), the Agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0027. The approval expires on April 30, 2014. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: July 5, 2011.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2011–17279 Filed 7–8–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0002]

Joint Meeting of the Advisory Committee for Reproductive Health Drugs and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committees: Advisory Committee for Reproductive Health Drugs and the Drug Safety and Risk Management Advisory Committee.

General Function of the Committees: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 9, 2011, from 8 a.m. to 4:30 p.m.

Location: The Marriott Inn and Conference Center, University of Maryland University College (UMUC), The Ballroom, 3501 University Boulevard East, Adelphi, MD. The conference center telephone number is: 301 985–7300.

Contact Person: Kalyani Bhatt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, e-mail: *ACRHD@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), and follow the prompts to the desired center or product area. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On September 9, 2011, the committees will discuss the benefits and risks of long-term bisphosphonate use for the treatment and prevention of osteoporosis (thinning and weakening of bones that increases the chance of having a broken bone) in light of the emergence of the safety concerns of osteonecrosis of the jaw (jawbone death) and atypical femur fractures (unusual broken thigh bone) that may be associated with the long-term use of bisphosphonates. Bisphosphonates for the treatment and prevention of osteoporosis include: FOSAMAX (alendronate sodium) tablets and solution and FOSAMAX PLUS D (alendronate sodium/cholecalciferol) tablets, Merck & Co., Inc.; ACTONEL (risedronate sodium) tablets, ATELVIA (risedronate sodium) delayed release tablets, and ACTONEL WITH CALCIUM (Copackaged) (risedronate sodium with calcium carbonate) tablets, Warner Chilcott, LLC; BONIVA (ibandronate sodium) tablets and injection, Roche Therapeutics, Inc.; RECLAST (zoledronic acid) injection, Novartis Pharmaceuticals Corp.; and the generic equivalents for these products, if any.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 25, 2011. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 17, 2011. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 18, 2011.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kalyani Bhatt at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: *June 27, 2011.*

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2011–17271 Filed 7–8–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NIH State-of-the-Science Conference on the Role of Active Surveillance in the Management of Men With Localized Prostate Cancer

ACTION: Notice.

Notice is hereby given of the National Institutes of Health (NIH), ''State-of-the-Science Conference on the Role of Active Surveillance in the Management of Men With Localized Prostate Cancer,'' to be held December 5–7, 2011, in the NIH Natcher Conference Center, 45 Center Drive, Bethesda, Maryland 20892. The Conference will begin at 8:30 a.m. on December 5 and 6, and at 9 a.m. on December 7, and will be open to the public.

Prostate cancer is the second leading cause of cancer-related deaths among men in the United States. It is estimated that in 2010, approximately 32,000 American men died of prostate cancer and 218,000 were newly diagnosed with the disease. Most prostate cancers are detected by a blood test that measures prostate-specific antigen (PSA), a tumor marker. More than half of cancers detected with PSA screening are localized (confined to the prostate), not aggressive at diagnosis, and unlikely to become life-threatening. However, 90 percent of patients receive immediate treatment for prostate cancer, such as surgery or radiation therapy. In many patients, these treatments have substantial short- and long-term side effects without any clinical benefit. Appropriate management of screen-detected, early-stage, low-risk prostate cancer is an important public health issue given the number of men affected and the risk for adverse outcomes, such as diminished sexual function and loss of urinary control.

Tools that can reliably predict which tumors are likely to progress and which are unlikely to cause problems are not available at present. Currently clinicians rely on two observational strategies as alternatives to immediate treatment of early-stage prostate cancer: Watchful waiting and active surveillance. Watchful waiting involves relatively passive patient follow-up, with palliative interventions if and when any symptoms develop. Active surveillance typically involves proactive patient follow-up in which PSA levels are closely monitored, prostate biopsies may be repeated, and eventual treatment is anticipated. Yet, it is unclear which men will most benefit from each approach and whether observational strategies will yield outcomes similar to immediate treatment when managing low-risk prostate cancer.

To better understand the benefits and risks of active surveillance and other observational management strategies for PSA screening-detected, low-grade, localized prostate cancer, the NIH has engaged in a rigorous assessment of the available scientific evidence. This process, sponsored by the National Cancer Institute, the Centers for Disease Control and Prevention, and the NIH Office of Medical Applications of Research will culminate in a State-of-the-Science Conference December 5–7, 2011, that focuses on these key questions:

1. How have the patient population and the natural history of prostate cancer diagnosed in the United States changed in the last 30 years?

2. How are active surveillance and other observational strategies defined?

3. What factors affect the offer of, acceptance of, and adherence to active surveillance?

4. What are the patient-experienced comparative short- and long-term health outcomes of active surveillance versus immediate treatment with curative intent for localized prostate cancer?

5. What are the research needs regarding active surveillance (or watchful waiting) in localized prostate cancer?

These questions, developed by a multidisciplinary planning committee, will be addressed in an evidence report prepared through the Agency for Healthcare Research and Quality's Evidence-based Practice Centers program. During the Conference, invited experts, including the authors of the report, will present scientific evidence. Attendees will have opportunities to ask questions and provide comments during open discussion periods. After weighing the evidence, an unbiased, independent panel will prepare and present a statement addressing the key questions. The statement will be widely disseminated to practitioners, policymakers, patients, researchers, the general public, and the media.

FOR FURTHER INFORMATION CONTACT: Advance information about the Conference and Conference registration materials may be obtained from the NIH Consensus Development Program Information Center by calling 888–644–2667, or by sending e-mail to *consensus@mail.nih.gov.* The Information Center's mailing address is P.O. Box 2577, Kensington, Maryland 20891. Registration and Conference information are also available on the NIH Consensus Development Program Web site at *http://consensus.nih.gov*.

Please Note: As part of measures to ensure the safety of NIH employees and property, all visitors must be prepared to show a photo ID upon request. Visitors may be required to pass through a metal detector and have bags, backpacks, or purses inspected or x-rayed as they enter NIH buildings. For more information about the new security measures at NIH, please visit the Web site at *http://www.nih.gov/about/visitorsecurity.htm*.

Dated: July 1, 2011.

Francis S. Collins,

Director, National Institutes of Health.

[FR Doc. 2011–17307 Filed 7–8–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed 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: Center for Scientific Review Special Emphasis Panel, Member Conflict: Cardiovascular Sciences.

Date: July 29, 2011.

Time: 2 to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lawrence E. Boerboom, PhD, Chief, CVRS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–8367, *boerboom@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 5, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17367 Filed 7–8–11; 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 & 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Children's Research, Institute For Status Epilepticus.

Dates: August 1, 2011.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, 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, 301–435–6680, *skandasa@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: July 5, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17373 Filed 7–8–11; 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 & 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 Special Emphasis Panel, Learning Disability Research Center.

Dates: July 28–29, 2011.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036–5305.

Contact Person: Marita R. Hopmann, 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, 301–435–6911, *hopmannm@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: *July 5, 2011.*

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17372 Filed 7–8–11; 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 & 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 Special Emphasis Panel, Child Health Research Career Development Program.

Dates: July 29, 2011.

Time: 8 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Neelakanta Ravindranath, PhD, Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B0G, MSC 7510, Bethesda/Rockville, MD 20817, 301–435–6889, *ravindrn@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: July 5, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17378 Filed 7–8–11; 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 & 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 Special Emphasis Group, Asymmetric Robotic Gait Training and Asymmetric Reaching Training to Induce Both Automatic and Skilled Functional Recovery Following Spinal Cord Injury.

Dates: July 18, 2011.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

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)

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Dated: July 5, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17375 Filed 7–8–11; 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 & 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Maintenance of Child Health and Development Studies Name and Address Files.

Dates: August 2, 2011.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications,

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, 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, 301–435–6680, *skandasa@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: July 5, 2011

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17374 Filed 7–8–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: HIV/AIDS Grant Applications.

Date: July 27, 2011.

Time: 12:01 to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mark P. Rubert, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: HIV/AIDS.

Date: July 29, 2011.

Time: 11 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mark P. Rubert, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 5, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–17371 Filed 7–8–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2011–0017]

Agency Information Collection Activities: Proposed Collection; Comment Request; Standard Flood Hazard Determination Form

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice; 60-day notice and request for comments; extension, without change, of a currently approved information collection; FEMA Form 086–0–32 (previously FEMA Form 81–93), Standard Flood Hazard Determination Form (SFHDF).

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the renewal of the Standard Flood Hazard Determination Form which is used by federally regulated lending institutions.

DATES: Comments must be submitted on or before September 9, 2011.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *http://www.regulations.gov* under Docket ID FEMA–2010–0017. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street, SW., Room 835, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

(4) *E-mail.* Submit comments to *FEMA-POLICY@dhs.gov*. Include Docket ID FEMA–2010–0017 in the subject line.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Bernstein, Insurance Examiner, Federal Insurance and Mitigation Administration (FIMA), 202–212–2113 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or e-mail address: *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: On September 23, 1994, Section 303 (a) of the Riegle Community Development and Regulatory Improvement Act of 1994 was signed into law. Section 303 (a) of this Act requires the Federal bank and thrift regulatory agencies to conduct a systematic review of their regulation and written policies in order to improve efficiency, reduce unnecessary costs, and eliminate inconsistencies and outmoded and duplicative requirements. Title V of this Act is the National Flood Insurance Reform Act (NFIRA). Section 528 of the NFIRA requires that FEMA develop a standard hazard determination form for recording the determination of whether a structure is located within an identified Special Flood Hazard Area (SFHA) and whether flood insurance is available. Section 528 of the NFIRA also requires the use of this form by regulated lending institutions, federal agency lenders, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Government National Mortgage Association for any loan made, increased, extended, renewed or purchased by these entities.

The requirement for federally regulated lending institutions to determine whether a building or mobile home securing a loan is located in an area having special flood hazards and whether flood insurance is available, has been in effect since the enactment of the Flood Disaster Protection Act of 1973, although the use of a standard form was not required until the enactment of the Riegle Community Development and Regulatory Improvement Act of 1994. The establishment of the Standard Flood Hazard Determination form has enabled lenders to provide consistent information.

Collection of Information

Title: Standard Flood Hazard Determination Form.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0040.

FEMA Forms: FEMA Form 086–0–32 (previously FEMA Form 81–93), Standard Flood Hazard Determination Form (SFHDF).

Abstract: FEMA Form 086–0–32 (previously FEMA Form 81–93), SFHDF is used by regulated lending institutions, federal agency lenders, related lenders/regulators, and the Government. Federally regulated lending institutions complete this form when making, increasing, extending, renewing or purchasing each loan for the purpose is of determining whether flood insurance is required and available. The form may also be used by property owner, insurance agents, realtors, community officials for flood insurance related documentation.

Affected Public: Business or other for-profit.

Number of Respondents: 46,456,460.

Number of Responses: 46,456,460.

Estimated Total Annual Burden Hours: 15,330,632 hours.

Estimated Cost: There are no operation and maintenance, or capital and start-up costs associated with this collection of information.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: June 29, 2011.

Lesia M. Banks,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2011–17361 Filed 7–8–11; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1980–DR; Docket ID FEMA–2011–0001]

Missouri; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–1980–DR), dated May 9, 2011, and related determinations.

DATES: *Effective Date:* June 21, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Missouri is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 9, 2011.

Carter and Wayne Counties for Individual Assistance (already designated for Public Assistance, including direct Federal assistance).

Lawrence County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–17364 Filed 7–8–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1969–DR; Docket ID FEMA–2011–0001]

North Carolina; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–1969–DR), dated April 19, 2011, and related determinations.

DATES: *Effective Date:* June 22, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Carolina is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 19, 2011.

Alamance County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–17362 Filed 7–8–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5486–N–19]

Notice of Proposed Information Collection for Public Comment: Notice of Funding Availability for the Transformation Initiative: Natural Experiment Grant Program

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comment Due Date September 9, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8230, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Wendy Chi, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; via telephone (202) 402–6534 (this is not a toll-free number); via e-mail at *Wendy.Y.Chi@hud.gov.*

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development will submit the proposed extension of information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Transformation Initiative: Natural Experiment Grant Program.

OMB Control Number: 2528–XXXX.

Description of the need for the information and proposed use: The information is being collected to select applicants for award in this statutorily created competitive grant program and to monitor performance of grantees to ensure they meet statutory and program goals and requirements.

Agency form numbers: SF–424, SF–424 Supplemental, HUD–424–CB, SF–LLL, HUD–2880, HUD–2993, HUD–96010 and HUD–96011. *http://portal.hud.gov/portal/page/portal/HUD/program_offices/administration/hudclips/forms.*

Members of affected public: Nonprofit organizations, foundations, think tanks, consortia, Institutions of higher education accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Information pursuant to grant award will be submitted once a year. The following chart details the respondent burden on a quarterly and annual basis:

	Number of respondents	Total annual responses	Hours per response	Total hours
Applicants	20	20	42	840
Quarterly Reports	5	20	6	120
Final Reports	5	5	6	30
Recordkeeping	5	5	4	20
Total	35	50	58	1010

Total Estimated Burden Hours: 1010.

Status of the proposed information collection: Pending OMB approval.

Authority: U.S. Code Title 12 1701z; Research and demonstrations.

Dated: July 1, 2011.

Raphael W. Bostic,

Assistant Secretary for Policy Development and Research.

[FR Doc. 2011–17312 Filed 7–8–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5480–N–66]

Notice of Submission of Proposed Information Collection to OMB; Public Housing Authority Executive Compensation Information

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

HUD will collect and make transparent information on the five highest compensated employees at public housing agencies (PHAs).

DATES: *Comments Due Date:* August 10, 2011.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal.

Comments should refer to the proposal by name and/or OMB approval Number (2577–Pending) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail *OIRA–Submission@omb.eop.gov* fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Colette Pollard at *Colette.Pollard@hud.gov;* or telephone (202) 402–3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice Also Lists the Following Information

Title of Proposal: Public Housing Authority Executive Compensation Information.

OMB Approval Number: 2577–Pending.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: HUD will collect and make transparent information on the five highest compensated employees at public housing agencies (PHAs).

Frequency of Submission: Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	4,116	1		3		1,372

Total Estimated Burden Hours: 1,372.

Status: New collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 1, 2011.

Colette Pollard,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2011–17234 Filed 7–8–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5534–N–01]

Federal Housing Administration (FHA) Mortgage Insurance Premiums for Multifamily Housing Programs, Health Care Facilities and Hospitals and Credit Subsidy Obligations for Fiscal Year (FY) 2011

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice announces the mortgage insurance premiums (MIPs) for FHA Multifamily Housing, Health Care Facilities, and Hospital Mortgage Insurance programs that have commitments to be issued or reissued in FY 2011. The FY 2011 MIPs are the same as in FY 2010. For the third consecutive fiscal year, the MIPs remain unchanged for FHA's mortgage insurance programs. In addition to announcing MIPs for FY 2011, this notice announces that the risk categories

incurring positive credit subsidy obligations for firm commitments issued or reissued in FY 2011 are the same as those in FY 2010. There are three positive credit subsidy risk categories: (1) Section 221(d)(3) new construction/substantial rehabilitation for nonprofit/cooperatives; (2) section 241(a) supplemental loans for apartments only; and (3) section 223(d) operating loss loans.

DATES: *Effective Date:* July 11, 2011.

FOR FURTHER INFORMATION CONTACT: Iris Agubuzo, Office of Multifamily Development, Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410–8000; telephone: 202–402–2662 (this is not a toll-free number). Hearing- or speech-impaired individuals may access these numbers through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

HUD's multifamily housing mortgage insurance regulation at 24 CFR 207.254 provides as follows:

> Notice of future premium changes will be published in the **Federal Register**. The Department will propose MIP changes for multifamily mortgage insurance programs and provide a 30-day public comment period for the purpose of accepting comments on whether the proposed changes are appropriate.

Under this regulation, HUD is required to publish a notice for public comment only when there are premium ''changes.'' Since HUD is not seeking to implement any premium changes for FY 2011 for the multifamily mortgage insurance programs, health care facilities, and hospital insurance programs listed in this notice, a notice for public comment is not required. HUD is issuing this notice to ensure clarity on the appropriate MIPs charged for FY 2011, and is not seeking public comments.

II. Low-Income Housing Tax Credits

MIP rates for many FHA mortgage insurance programs depend on whether or not the sponsor is combining low-income housing tax credits (LIHTC) with the FHA-insured loan. The LIHTC program is an indirect Federal subsidy used to finance the development of affordable rental housing for low-income households.

III. MIPs for FHA's Mortgage Insurance Programs for FY2011

In the chart below, this notice announces the MIPs which will be in effect during FY 2011 for the multifamily housing health care facilities, and hospital mortgage insurance programs-authorized under the National Housing Act (12 U.S.C. 1713 *et seq.*). The multifamily housing programs are administered by FHA's Office of Multifamily Housing Programs. The health care facilities and the hospital insurance programs are administered by FHA's Office of Healthcare Programs. The programs of these offices are listed separately on the chart.

Credit Subsidy

This notice also announces that a credit subsidy obligation continues to be required for the three sections of the National Housing Act listed below. However, if the mortgagor's equity is produced from LIHTC for the programs authorized under section 221(d)(3) or section 241(a) of the National Housing Act, a credit subsidy obligation will not be required. For the loans requiring a credit subsidy obligation, the program office inserts a special clause into the firm commitment or an invitation pertaining to a Site Appraisal and Market Analysis (SAMA)/Feasibility/Multifamily Accelerated Processing (MAP) letter. The clause states that the firm commitment is contingent upon availability of funds.

- Section 221(d)(3) new construction/substantial rehabilitation for nonprofit/cooperatives.
- Section 223(d) operating loss loans for both apartments and health care facilities.
- Section 241(a) supplemental loans for additions or improvements for apartments only.

The mortgage insurance premiums to be in effect for FHA firm commitments issued or reissued in FY 2011 are shown in the chart below.

FISCAL YEAR 2011 MIP RATES MULTIFAMILY HOUSING, HEALTH CARE FACILITIES AND HOSPITAL INSURANCE PROGRAMS

	Basis points
FHA Apartments	
207 Multifamily Housing New Construction/Sub Rehab without LIHTC	50
207 Multifamily Housing New Construction/Sub Rehab with LIHTC	45
207 Manufactured Home Parks without LIHTC	50
207 Manufactured Home Parks with LIHTC	45
221(d)(3) New Construction/Substantial Rehabilitation (NC/SR) for Nonprofit/Cooperative mortgagor without LIHTC	80
221(d)(3) Limited dividend with LIHTC	45
221(d)(4) NC/SR without LIHTC	45
221(d)(4) NC/SR with LIHTC	45
220 Urban Renewal Housing without LIHTC	50
220 Urban Renewal Housing with LIHTC	45
213 Cooperative	50
207/223(f) Refinance or Purchase for Apartments without LIHTC	*45
207/223(f) Refinance or Purchase for Apartments with LIHTC	*45
223(a)(7) Refinance of Apartments without LIHTC	45
223(a)(7) Refinance of Apartments with LIHTC	45
223d Operating Loss Loan for Apartments	80
241(a) Supplemental Loans for Apartments/coop without LIHTC	80
241(a) Supplemental Loans for Apartments/coop with LIHTC	45
FHA Health Care Facilities (Nursing Homes, ALF & B&C)	
232 NC/SR Health Care Facilities without LIHTC	57
232 NC/SR—Assisted Living Facilities with LIHTC	45
231 Elderly Housing without LIHTC	50
231 Elderly Housing with LIHTC	45
232/223(f) Refinance for Health Care Facilities without LIHTC	*50

FISCAL YEAR 2011 MIP RATES MULTIFAMILY HOUSING, HEALTH CARE FACILITIES AND HOSPITAL INSURANCE PROGRAMS—Continued

	Basis points
232/223(f) Refinance for Health Care Facilities with LIHTC	*45
223(a)(7) Refinance of Health Care Facilities without LIHTC	50
223(a)(7) Refinance of Health Care Facilities with LIHTC	45
223d Operating Loss Loan for Health Care Facilities	80
241(a) Supplemental Loans for Health Care Facilities without LIHTC	57
241(a) Supplemental Loans for Health Care Facilities with LIHTC	45
FHA Hospitals	
242 Hospitals	50
223(a)(7) Refinance of Existing FHA-insured Hospital	50
223(f) Refinance or Purchase of Existing Non-FHA-insured Hospital	50
241(a) Supplemental Loans for Hospitals	50

*The first year MIP for the Section 207/223(f) loans for apartments is 100 basis (one percent) points for the first year, as specified in sections 24 CFR 207.252b(a). The first year MIP for a Section 232/223(f) health care facility remains at 100 basis points (one percent).

Dated: *July 1, 2011.*

Robert C. Ryan,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2011–17233 Filed 7–8–11; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDI00000.L71220000.FM0000. LVTF7724IDOO (IDI–35073)]

Public Land Order No. 7772; Partial Revocation of the Executive Order dated April 17, 1926; Idaho

Correction

In notice document 2011–16401 appearing on pages 38206–38207 in the issue of June 29, 2011, make the following correction:

On page 38207, in the first column, under Boise Meridian, Sec. 11, lot 1 should read ''SE¼NW¼, NE¼NE¼SW¼, W½NE¼SW¼, and E½SE¼NE¼SW¼;''.

[FR Doc. C1–2011–16401 Filed 7–8–11; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000 L14300000; WYW171298]

Notice of Realty Action: Recreation and Public Purposes Act Classification of Public Lands in Uinta County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for conveyance under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, approximately 8.86 acres of public land in Uinta County, Wyoming. The Wyoming Department of Transportation (WYDOT) proposes to use the land for a Highway Patrol shooting range.

DATES: Interested parties may submit comments regarding the proposed conveyance or classification of the lands until August 25, 2011.

ADDRESSES: Send written comments to the Field Manager, Kemmerer Field Office, 312 Highway 189 North, Kemmerer, Wyoming 83101; or e-mail to *john_christensen@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Kelly Lamborn, Realty Specialist, BLM, Kemmerer Field Office, 312 Highway 189 North, Kemmerer, Wyoming 83101; (307) 828–4505; or *kelly_lamborn@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In accordance with Section 7 of the Taylor Grazing Act (43 U.S.C. 315f), and Executive Order No. 6910, the following described public land in Uinta County, Wyoming, has been examined and found suitable for classification for conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*):

Sixth Principal Meridian

T. 16 N., R. 118 W.,
Sec. 34, lot 2.

The area described contains 8.86 acres, more or less, in Uinta County.

In accordance with the R&PP Act, WYDOT filed an application to purchase the above-described 8.86 acres of public land to be developed as a Highway Patrol shooting range. Additional detailed information pertaining to this application, plan of development, and site plan is in case file WYW–171298, located in the BLM Kemmerer Field Office at the above address. The land would be conveyed without retention of a reversionary interest as allowed by 43 U.S.C. 869–2 and 43 CFR subpart 2743.

The land is not needed for any Federal purpose. The conveyance is consistent with the BLM Kemmerer Resource Management Plan dated May 2010, and would be in the public interest. The patent, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945); and

2. All minerals, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The patent will be subject to all valid existing rights documented on the official public land records at the time of patent issuance.

On July 11, 2011, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material laws.

Interested parties may submit comments involving the suitability of the land for a Highway Patrol shooting range. Classification comments are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Interested parties may submit comments regarding the conveyance and specific uses proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision to convey under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use.

Interested parties may submit written comments to the BLM Kemmerer Field Manager at the address above. Comments, including names and street addresses of respondents, will be available for public review at the BLM Kemmerer Field Office during regular business hours. 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 may 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.

Any adverse comments will be reviewed by the BLM State Director, who may sustain, vacate or modify this realty action. In the absence of any adverse comments, the classification of the land described in this notice will become effective on September 9, 2011. The land will not be available for conveyance until after the classification becomes effective.

Authority: 43 CFR 2741.5(h).

Donald A. Simpson,

State Director.

[FR Doc. 2011–17296 Filed 7–8–11; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNML003100 L54100000.LKD0000.LVCLG10ZGKD0; NMNM123808]

Notice of Realty Action: Notice of Receipt of Conveyance of Federally Owned Mineral Interests Application, Doña Ana County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The surface owner, NRG Solar Roadrunner, LLC, filed an application with the Bureau of Land Management (BLM) on August 24, 2009, for the conveyance of the federally owned mineral interest on a 444-acre tract of land in Doña Ana County, New Mexico, which is described in this notice. Publication of this notice temporarily segregates the mineral interests in the land from appropriation under the mining and mineral leasing laws for up to 2 years while the application is being processed.

DATES: Interested persons may submit written comments to the BLM at the address listed below. Comments must be received no later than August 25, 2011.

ADDRESSES: BLM, Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Kendrah Penn, Realty Specialist, at the above address, by telephone at (575) 525–4382, or by e-mail at *Kendrah_Penn@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8229 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The tract of land referred to in this notice consists of approximately 444 acres, situated in Doña Ana County and is described as a metes and bounds parcel within the following:

New Mexico Principal Meridian

T. 29 S., R. 3 E.,
Secs. 5 to 8, inclusive.

The area contains 444 acres, more or less, in Doña Ana County.

For the full metes and bounds legal description contact the BLM Las Cruces District Office at the address or phone number above.

Under certain conditions, Section 209(b) of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1719, authorizes the sale and conveyance of the federally owned mineral interests in land to the surface owner or prospective surface owner when the surface is not federally owned and upon payment of administrative costs. The objective is to allow consolidation of the surface and mineral interests when either one of the following conditions exist: (1) There are no known mineral values in the land; or (2) Where continued Federal ownership of the mineral interests interferes with or precludes appropriate non-mineral development and such development is a more beneficial use of the land than mineral development.

Subject to valid existing rights, on July 11, 2011, the federally owned mineral interests in the public lands covered by the application and described above are segregated from appropriation under the public land laws, including the mining laws, while the application is being processed to determine if either of the two specified conditions exist, and to otherwise comply with the procedural requirements of 43 CFR part 2720. The segregative effect of the application shall terminate upon (i) Issuance of a patent or other document of conveyance as to such mineral interests; (ii) Upon final rejection of the application; or (iii) July 11, 2013, whichever occurs first.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2720.1–1(b).

Jim C. McCormick, Jr.,

Acting District Manager, Las Cruces.

[FR Doc. 2011–17301 Filed 7–8–11; 8:45 am]

BILLING CODE 4310–VC–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Electronic Digital Media Devices and Components Thereof,* DN 2827; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint filed on behalf of Apple Inc. on July 5, 2011. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic digital media devices and components thereof. The complaint names as respondents Samsung Electronics Co., Ltd. of Korea; Samsung Electronics America Inc. of Ridgefield Park, NJ; and Samsung Telecommunications America LLC of Richardson, TX.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) Indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders; and

(iv) Indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number (''Docket No. 2827'') in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (*see* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50(a)(4)).

By order of the Commission.

Issued: July 6, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–17278 Filed 7–8–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–784]

In the Matter of Certain Light-Emitting Diodes and Products Containing the Same; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that two complaints were filed with the U.S. International Trade Commission on June 3, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of OSRAM GmbH of Germany. Both complaints allege violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lighting-emitting diodes and products containing same by reason of infringement of certain claims of U.S. Patents. The first complaint asserts U.S. Patent No. 6,812,500 (''the '500 patent''); U.S. Patent No. 7,078,732 (''the '732 patent''); U.S. Patent No. 7,126,162 (''the '162 patent''); U.S. Patent No. 7,345,317 (''the '317 patent''); U.S. Patent No. 7,629,621 (''the '621 patent''); U.S. Patent No. 6,459,130 (''the '130 patent''); U.S. Patent No. 6,927,469 (''the '469 patent''); U.S. Patent No. 7,199,454 (''the '454 patent''); and U.S. Patent No. 7,427,806 (''the '806 patent''). The second complaint asserts U.S. Patent No. 6,849,881 (''the '881 patent''); U.S. Patent No. 6,975,011 (''the '011 patent''); U.S. Patent No. 7,106,090 (''the '090 patent''); U.S. Patent No. 7,151,283 (''the '283 patent''); and U.S. Patent No. 7,271,425 (''the '425 patent'') as well as the '500 patent, '732 patent, '162 patent, '621 patent, '130 patent, '469 patent, and '454 patent. Each complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute the two

investigations and, after the investigation, issue an exclusion order and cease and desist orders.

Letters regarding the possible consolidation of investigations stemming from these complaints were received on June 21, June 22, and June 29, 2011.

ADDRESSES: The complaints, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Dockets Services, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2011).

Scope of Investigation: Having considered the complaints and letters received, the U.S. International Trade Commission has decided to institute two investigations on a partially consolidated basis, and on July 5, 2011, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain light-emitting diodes and products containing the same that infringe one or more of claims 1, 10, and 11 of the '881 patent; claims 1 and 2 of the '011 patent; claims 1, 6, and 7 of the '090 patent; claims 1–4, 6–8, 11, 17, 19, 22, 24–26, 29, and 32–35 of the '283 patent; and claims 1–4, 6–9, 16, and 17 of the '425 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: OSRAM GmbH, Hellabrunner Strasse 1, 81543 Munich, Germany.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

LG Electronics, Inc., LG Twin Towers, 20, Yeouido-dong, Yeongdungpo-gu, Seoul, 150–721, South Korea;

LG Innotek Co., Ltd., Seoul Square 20F, Namdaemunno 5-ga, Jung-gu, Seoul, 100–714, South Korea;

LG Electronics U.S.A., Inc., 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632;

LG Innotek U.S.A., Inc., 10225 Willow Creek Road, San Diego, CA 92131.

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: July 6, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–17303 Filed 7–8–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–785]

In the Matter of Certain Light-Emitting Diodes and Products Containing Same; Notice of Institution of Investigation

Institution of investigation pursuant to 19 U.S.C. 1337.

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that two complaints were filed with the U.S. International Trade Commission on June 3, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of OSRAM GmbH of Germany. Both complaints allege violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-emitting diodes and products containing same by reason of infringement of certain claims of U.S. Patents. The first complaint asserts U.S. Patent No. 6,812,500 (''the '500 patent''); U.S. Patent No. 7,078,732 (''the '732 patent''); U.S. Patent No. 7,126,162 (''the '162 patent''); U.S. Patent No. 7,345,317 (''the '317 patent''); U.S. Patent No. 7,629,621 (''the '621 patent''); U.S. Patent No. 6,459,130 (''the '130 patent''); U.S. Patent No. 6,927,469 (''the '469 patent''); U.S. Patent No. 7,199,454 (''the '454 patent''); and U.S. Patent No. 7,427,806 (''the '806 patent''). The second complaint asserts U.S. Patent No. 6,849,881 (''the '881 patent''); U.S. Patent No. 6,975,011 (''the '011 patent''); U.S. Patent No. 7,106,090 (''the '090 patent''); U.S. Patent No. 7,151,283 (''the '283 patent''); and U.S. Patent No. 7,271,425 (''the '425 patent'') as well as the '500 patent, '732 patent, '162 patent, '621 patent, '130 patent, '469 patent, and '454 patent. Each complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute the two investigations and, after the investigation, issue an exclusion order and cease and desist orders.

Letters regarding the possible consolidation of investigations stemming from these complaints were

received on June 21, June 22, and June 29, 2011.

ADDRESSES: The complaints, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Dockets Services, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2011).

Scope of Investigation: Having considered the complaints and letters received, the U.S. International Trade Commission has decided to institute two investigations on a partially consolidated basis, and on July 5, 2011, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain light-emitting diodes and products containing same that infringe one or more of claims 1, 3–5, 7, 11, 13–17, 21, 27, 32, 34, 35–38, 40–44, 48, 54, 59, 61–63, 66, 67, and 69 of the '500 patent; 1–3, 7, 13, 18, 30, and 32 of the '732 patent; claims 1–9, 11, 12, and 15–38 of the '162 patent; claims 1, 3, 5–10, 13–20, 25–28, and 31–35 of the '317 patent; claims 1–7, 9–37, 40–47, and 50–54 of the '621 patent; claims 1, 3, 5, 6, 8, 9, 11, 13, 14, 16–19, 21, and 22 of the '130 patent; claims 1–6 and 9 of the '469 patent; claims 1–16, 19, and 20 of the '454 patent; and claims 1, 5, 6, 8–10, 15–17, and 20 of the '806 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: OSRAM GmbH, Hellabrunner Strasse 1, 81543 Munich, Germany.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd., 416 Maetan-dong, Yeongtong-gu, Suwon-si, Gyeonggi-do 443–742, Korea.

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ 07660.

Samsung LED Co., Ltd., 206, Cheomdansaneop Road, Yeongtong-gu, Suwon City, Gyeonggi Province 443–743, Korea.

Samsung LED America, Inc., 6 Concourse Parkway NE., Atlanta, GA 30328.

LG Electronics, Inc., LG Twin Towers, 20, Yeouido-dong, Yeongdungpo-gu Seoul, 150–721, South Korea.

LG Innotek Co., Ltd., Seoul Square 20F, Namdaemunno 5-ga, Jung-gu, Seoul, 100–714, South Korea.

LG Electronics U.S.A., Inc., 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632.

LG Innotek U.S.A., Inc., 10225 Willow Creek Road, San Diego, CA 92131.

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: July 6, 2011.

By order of the Commission.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–17304 Filed 7–8–11; 8:45 am]

BILLING CODE 7020–02–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–345]

Recent Trends in U.S. Services Trade, 2012 Annual Report; Schedule for 2012 Report and Opportunity To Submit Information; Availability of 2011 Report

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission has prepared and published annual reports in this series under investigation No. 332–345 since 1996. The 2011 report is now available from the Commission online and in printed form. The 2012 report, which the Commission plans to publish in July 2012, will cover cross-border trade for the period ending in 2010 and transactions by affiliates based outside the country of their parent firm for the period ending in 2009. The Commission is inviting interested members of the public to furnish information in connection with the 2012 report.

DATES: October 6, 2011: Deadline for filing written submissions of information to the Commission. July 12, 2012: Anticipated date for publishing the report.

ADDRESSES: All Commission offices are located in the United States International Trade Commission Building, 500 E St., SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E St., SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket information system (EDIS) at *https://edis.usitc.gov/edis3-internal/app.*

FOR FURTHER INFORMATION CONTACT: Project Leader Isaac Wohl (202–205–

3356 or *isaac.wohl@usitc.gov*) or Services Division Chief Richard Brown (202–205–3438 or *richard.brown@usitc.gov*) for information specific to this investigation. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). 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.

Background: Under this investigation, the Commission publishes two annual reports, one on services trade (*Recent Trends in U.S. Services Trade*), and a second on merchandise trade (*Shifts in U.S. Merchandise Trade*). The latest version of the Commission's *Recent Trends in U.S. Services Trade* is now available online at *http://www.usitc.gov;* it is also available in printed form from the Office of the Secretary at 202–205–2000 or by fax at 202–205–2104.

The initial notice of institution of this investigation was published in the **Federal Register** on September 8, 1993 (58 FR 47287) and provided for what is now the report on merchandise trade. The Commission expanded the scope of the investigation to cover services trade in a separate report, which it announced in a notice published in the **Federal Register** on December 28, 1994 (59 FR 66974). The separate report on services trade has been published annually since 1996, except in 2005. As in past years, the report will summarize trade in services in the aggregate and provide analyses of trends and developments in selected services industries during the latest period for which data are published by the U.S. Department of Commerce, Bureau of Economic Analysis (for the 2012 report, data for the periods described above). The 2012 report will focus on selected infrastructure services, alternating with the focus of the 2011 report on professional services.

Written Submissions: Interested parties are invited to submit written statements and other information concerning the matters to be addressed by the Commission in its report on this investigation. Submissions should be addressed to the Secretary. To be assured of consideration by the Commission, written submissions related to the Commission's report should be submitted at the earliest practical date and should be received not later than 5:15 pm, October 6, 2011. All written submissions must conform to the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information (CBI) must also conform to the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission intends to prepare only a public report in this investigation. The report that the Commission makes available to the public will not contain confidential business information. Any confidential business information received by the Commission in this investigation and used in preparing the report will not be published in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: July 6, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–17277 Filed 7–8–11; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on June 27, 2011, a proposed Consent Decree in *United States and State of Texas* v. *Halliburton Energy Services, Inc., et al.,* Civil Action No. 4:07–CV–3795, was lodged with the United States District Court for the Southern District of Texas.

In this action the United States, on behalf of the United States Environmental Protection Agency, and the State of Texas, on behalf of the Texas Commission on Environmental Quality (''TCEQ''), sought, pursuant to Sections 107 and 113 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607 and 9613, seeking reimbursement of response costs incurred or to be incurred for response actions taken at or in connection with the release or threatened release of hazardous substances at three facilities located in Webster, Texas (the ''Webster Site''), Odessa, Texas (the ''Odessa Site''), and Houston, Texas (the ''Tavenor Site''), known collectively as the ''Sites,'' as well as declaratory relief.

The United States has negotiated a Consent Decree with defendants GE Healthcare Bio-Sciences Corporation, GE Healthcare Holdings Inc., and GE Healthcare Inc. (collectively the ''GE Entities'') to resolve the CERCLA claims. The proposed Consent Decree resolves the liability of the GE Entities for response costs incurred or to be incurred and response actions taken in connection with the Sites. Under the Consent Decree, the GE Entities agree to reimburse the United States a share of its response costs for the Sites by a payment in the amount of $650,000. This Consent Decree includes a covenant not to sue by the United States under Sections 104(e), 106, 107 and 113 of CERCLA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice,

and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, NW., Washington, DC 20044–7611, and should refer to *United States and State of Texas* v. *Halliburton Energy Services, Inc., et al.,* D.J. Ref. 90–11–3–07730/1.

The Consent Decree may be examined at U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas, 75202. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $6.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2011–17286 Filed 7–8–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0030]

Agency Information Collection Activities: Records and Supporting Data: Importation, Receipt, Storage, and Disposition by Explosives Importers, Manufacturers, Dealers, and Users

ACTION: 60-Day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This notice requests comments from the public and affected agencies concerning the proposed information collection. Comments are encouraged and will be accepted for ''sixty days'' until September 9, 2011. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact William Miller, *William.Miller@atf.gov,* Chief, Explosives Industry Programs Branch, 99 New York Ave., NE., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Summary of Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Records and Supporting Data: Importation, Receipt, Storage, and Disposition By Explosives Importers, Manufacturers, Dealers, and Users Licensed Under Title 18 U.S.C. Chapter 40 Explosives.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. *Other:* None.

Need for Collection

The records show daily activities in the importation, manufacture, receipt, storage, and disposition of all explosive materials covered under 18 U.S.C. Chapter 40 Explosives. The records are used to show where and to whom explosive materials are sent, thereby ensuring that any diversions will be readily apparent and if lost or stolen, ATF will be immediately notified.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 50,519 respondents will take 1 hour to maintain records.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 637,570 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, Room 2E–508, 145 N Street, NE., Washington, DC 20530.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2011–17285 Filed 7–8–11; 8:45 am]

BILLING CODE 4810–FY–P

OFFICE OF MANAGEMENT AND BUDGET

DEPARTMENT OF VETERANS AFFAIRS

Cost-Based and Inter-Agency Billing Rates for Medical Care or Services Provided by the Department of Veterans Affairs

AGENCY: Office of Management and Budget, Executive Office of the President and the Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This document updates the Cost-Based and Inter-Agency billing rates for medical care or services provided by the Department of Veterans Affairs (VA) that apply in certain circumstances. This notice is issued jointly by the Office of Management and Budget and the Department of Veterans Affairs.

DATES: *Effective Date:* The rates set forth herein are effective July 11, 2011 and until further notice.

FOR FURTHER INFORMATION CONTACT: Romona Greene, Chief Business Office (168), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–1595. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: VA's methodology for computing Cost-Based and Inter-Agency billing rates for medical care or services provided by VA is set forth in 38 CFR 17.102(h). These rates apply to medical care or services provided:

(a) In error or based on tentative eligibility;

(b) In a medical emergency;

(c) To pensioners of allied nations;

(d) For research purposes in circumstances under which VA medical care appropriation is to be reimbursed by VA research appropriation; and

(e) To beneficiaries of the Department of Defense (DoD) or other Federal agencies, when the care or service provided is not covered by an applicable sharing agreement. The rates contained in this notice do not apply to sharing agreements between VA and DoD unless otherwise stated.

Two sets of rates are obtained via application of this methodology: Cost-Based rates, for use for purposes (a) through (d), above, and Inter-Agency rates, for use for purpose (e), above. The calculations for the Cost-Based and Inter-Agency rates are the same except that Inter-Agency rates are not broken down into three components (Physician; Ancillary; and Nursing, Room, and Board), and they do not include standard fringe benefit costs covering government employee retirement, disability costs, and return on fixed assets.

When VA pays for medical care or service from a non-VA source under circumstances in which the Cost-Based or Inter-Agency Rates would apply if the care or service had been provided by VA, the charge for such care or service will be the actual amount paid by VA for that care or service.

Inpatient charges will be at the per diem rates shown for the type of bed section or discrete treatment unit providing the care.

The third party pharmacy rate will remain the same as set forth in the notice published in the **Federal Register** on November 3, 2005 (70 FR 66866) until VA's final rule RIN 2900–AN15 for the ''Charges Billed to Third Parties for Prescription Drugs Furnished by VA to a Veteran for a Nonservice-Connected Disability'' is effective on March 18, 2011. VA's current third party pharmacy rate utilizes the cost-based methodology set forth in 38 CFR 17.102, which was only to be used until such time as charges for prescription drugs were implemented under the provisions of 38 CFR 17.101. Effective March 18, 2011, VA will use the new methodology set forth in 38 CFR 17.101(m).

Current rates obtained via the above methodology are as follows:

	Cost-based rates	Inter-agency rates
A. Hospital Care per inpatient day		
General Medicine:		
All Inclusive Rate	$2,384	$2,232
Physician	285	.....
Ancillary	621	.....
Nursing Room and Board	1,478	.....
Neurology:		
All Inclusive Rate	3,899	3,648
Physician	571	.....
Ancillary	1,029	.....
Nursing Room and Board	2,299	.....
Rehabilitation Medicine:		
All Inclusive Rate	2,122	1,992
Physician	241	.....
Ancillary	648	.....
Nursing Room and Board	1,233	.....
Blind Rehabilitation:		
All Inclusive Rate	1,240	1,161
Physician	100	.....
Ancillary	616	.....
Nursing Room and Board	524	.....
Spinal Cord Injury:		
All Inclusive Rate	1,756	1,644
Physician	218	.....
Ancillary	442	.....
Nursing Room and Board	1,096	.....
Surgery:		
All Inclusive Rate	4,533	4,248
Physician	500	.....
Ancillary	1,375	.....
Nursing Room and Board	2,658	.....
General Psychiatry		
All Inclusive Rate	801	749
Physician	76	.....
Ancillary	126	.....
Nursing Room and Board	599	.....
Substance Abuse (Alcohol and Drug Treatment)		
All Inclusive Rate	1,154	1,081
Physician	110	.....
Ancillary	267	.....
Nursing Room and Board	777	.....
Psychosocial Residential Rehabilitation Program		
All Inclusive Rate	577	540
Physician	36	.....
Ancillary	61	.....
Nursing Room and Board	480	.....

	Cost-based rates	Inter-agency rates
Intermediate Medicine		
All Inclusive Rate	1,920	1,796
Physician	94	
Ancillary	282	
Nursing Room and Board	1,544	
Polytrauma Inpatient		
All Inclusive Rate	3,391	3,197
Physician	385	
Ancillary	1,036	
Nursing Room and Board	1,970	
B. Nursing Home Care, Per Day		
All Inclusive Rate	993	929
Physician	31	
Ancillary	134	
Nursing Room and Board	828	
C. Outpatient Medical and Emergency Dental Treatment		
Outpatient Visit (Other than Emergency Dental)	231	214
Emergency Dental Outpatient Visit	487	416
PM&RS Outpatient Visit	430	401
Outpatient PolyTrauma/Traumatic Brain Injury	573	535

Beginning on the effective date indicated herein, these rates supersede those established by VA and by the Director of Office of Management and Budget on November 3, 2005 (70 FR 66866).

Approved: August 9, 2010.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

Approved: June 29, 2011.

Jacob J. Lew,

Director, Office of Management and Budget.

[FR Doc. 2011–17263 Filed 7–8–11; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (11–062)]

National Environmental Policy Act; Wallops Flight Facility; Site-Wide

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to prepare a Site-wide Programmatic Environmental Impact Statement (PEIS) and to conduct scoping for expanding operations at Wallops Flight Facility (WFF), in Virginia.

SUMMARY: Pursuant to the National Environmental Policy Act, as amended, (NEPA) (42 U.S.C. 4321 *et. seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NASA's NEPA policy and procedures (14 CFR Part 1216, subpart 1216.3), NASA intends to prepare a PEIS for the expansion of operations at WFF. The Federal Aviation Administration (FAA), Office of Commercial Space Transportation (AST) and Air Traffic Organization (ATO) Office; the National Oceanic and Atmospheric Administration (NOAA), National Environmental Satellite, Data, and Information Service (NESDIS); the Department of the Navy, Naval Sea Systems Command (NAVSEA) and Naval Air Systems Command (NAVAIR); the Department of the Army, Corps of Engineers (USACE); the U.S. Coast Guard (USCG); and the U.S. Fish and Wildlife Service (USFWS) have accepted requests to participate as Cooperating Agencies as they either have permanent facilities or missions at WFF or possess regulatory authority or specialized expertise pertaining to the Proposed Action.

The purpose of this notice is to apprise interested agencies, organizations, and individuals of NASA's intent to prepare the PEIS and to request input regarding the definition of reasonable alternatives and significant environmental issues to be evaluated in the PEIS.

NASA will hold a public scoping meeting in cooperation with FAA–AST, FAA–ATO, NOAA–NESDIS, NAVSEA, NAVAIR, USACE, USCG, and USFWS, as part of the NEPA process associated with the development of the PEIS. The scoping meeting location and date identified at this time are provided under **SUPPLEMENTARY INFORMATION** below.

DATES: Interested parties are invited to submit comments on environmental issues and concerns, preferably in writing, on or before August 15, 2011, to assure full consideration during the scoping process.

ADDRESSES: Comments submitted by mail should be addressed to Shari Silbert, Manager, Site-wide PEIS, NASA Goddard Space Flight Center's Wallops Flight Facility, Wallops Island, Virginia 23337. Comments may be submitted via e-mail to *Shari.A.Silbert@nasa.gov*.

FOR FURTHER INFORMATION CONTACT: Shari Silbert, Manager, Site-wide PEIS, NASA Wallops Flight Facility, Wallops Island, Virginia 23337; telephone (757) 824–2327; *e-mail: Shari.A.Silbert@nasa.gov*. Additional information about NASA's WFF may be found on the Internet at *http://www.nasa.gov/centers/wallops/home/index.html. Information regarding the NEPA process for this proposal and supporting documents (as available) are located at http://sites.wff.nasa.gov/code250/site-wide_eis.html.*

SUPPLEMENTARY INFORMATION:

Background

WFF is a NASA Goddard Space Flight Center field installation located in Accomack County on the Eastern Shore of Virginia. The facility consists of three distinct landmasses—the Main Base, Wallops Mainland, and Wallops Island—totaling nearly 2,630 hectares (6,500 acres). It is the oldest active launch range in the continental United States and the only range completely under NASA management. For over 65 years, WFF has flown thousands of research vehicles in the quest for information on the characteristics of airplanes, rockets, and spacecraft, and to increase the knowledge of the Earth's upper atmosphere and the near space environment. The flight programs and projects currently supported by WFF include sounding rockets, scientific balloons, manned and unmanned experimental aircraft, space shuttle and orbital tracking, next-generation launch

vehicle development, expendable launch vehicles, and small and mid-size orbital spacecraft. To meet the safety and technical requirements of its various missions, many of WFF's primary launch support facilities reside on Wallops Island (island) which is located directly on the Atlantic Ocean.

In keeping with the principles, goals, and guidelines of the 2010 National Space Policy, WFF not only fulfills its own mission, but also provides unique services to NASA, commercial customers, defense, and academia. One guiding principle of the National Space Policy is for Federal agencies to facilitate the commercial space industry. The recent growth of the Mid-Atlantic Regional Spaceport on Wallops Island is a real-world example of WFF's commitment to making commercial access to space a reality. Another goal of the 2010 National Space Policy is that Federal agencies will improve their partnerships through cooperation, collaboration, information sharing, and/or alignment of common pursuits with each other. WFF supports aeronautical research, science technology, and education by providing other NASA centers and government agencies access to resources such as special use (*i.e.,* restricted) airspace, research runways, and launch pads. Additionally, WFF regularly enables a wide array of U.S. Department of Defense (DoD) research and development and training missions, including target and missile launches, and aircraft development.

Existing NEPA Documents and Context

In January 2005, NASA issued a Final Site-Wide Environmental Assessment (EA) and Finding of No Significant Impact for WFF. However, since then substantial growth has occurred and NASA has prepared several supplemental NEPA documents including the 2008 EA for the Wallops Research Park, the 2009 EA for the Expansion of the Wallops Flight Facility Launch Range, the 2010 Shoreline Restoration and Infrastructure Protection Program PEIS, the 2011 Alternative Energy Program EA, and the 2011 Draft EA for the Main Entrance Reconfiguration. Additionally, WFF has recently updated its 20-year Master Plan, which proposed several new facilities and numerous infrastructure improvements. As such, NASA is initiating the preparation of one consolidated Site-wide PEIS for its current and future missions and operations.

Cooperating Agency Actions

The Site-wide PEIS will serve as a decision-making tool not only for NASA but also for its Federal Cooperating Agencies, FAA–AST, FAA–ATO, NOAA–NESDIS, NAVSEA, NAVAIR, USACE, USCG, and USFWS. Each of these agencies will be involved closely in NASA's NEPA process given the potential for their undertaking actions related to NASA's as summarized below:

- FAA–AST: Issuing licenses for operation of additional commercial launch pads or operation of new commercial launch vehicles;
- FAA-ATO: Granting a proposed increase in restricted airspace allocation;
- NOAA–NESDIS: Undertaking facility improvements at the Wallops Command and Data Acquisition Station;
- NAVSEA: Undertaking additional operations, improvements to infrastructure, and target launches at the Surface Command System Center, and providing oversight of the Virginia Capes Operating Area offshore of WFF;
- NAVAIR: Increasing existing research, development, test, and evaluation mission tempos and new missions including pilot proficiency training and unmanned aerial systems including the Broad Area Maritime Surveillance (BAMS);
- USACE: Issuing permits for proposed work occurring within U.S. waters, including wetlands, design and oversight of WFF's Shoreline Restoration and Infrastructure Protection Program;
- USCG: Undertaking improvements to infrastructure at the Coast Guard residential housing, issuing a permit for proposed Wallops Island causeway bridge reconstruction, and assuming Captain of the Port Authority for clearing the launch range during operations; and
- USFWS: Issuing incidental take statements and providing management of special status species, partnering with NASA on mutually beneficial projects related to the Chincoteague National Wildlife Refuge, and participating in a land use exchange that would enable the operation of a low-impact, temporary launch pad on the northernmost 300 meters (1,000 feet) of USWFS-owned Assawoman Island in exchange for the conservation of a NASA-owned wooded, upland parcel south of the Wallops Visitor Center adjacent to the Wallops Island National Wildlife Refuge.

Alternatives

The PEIS will evaluate the potential environmental impacts from a range of reasonable alternatives that meet NASA's need to ensure continued growth at WFF while also preserving the ability to safely conduct its historical baseline of operations. Currently under consideration are two action alternatives and a No Action alternative. Alternative One would support a number of facility projects ranging from new construction, demolition, and renovation; enlargement of the restricted airspace; addition of two rocket launchers on Wallops Island; replacement of the Wallops causeway bridge; maintenance dredging between the boat docks at the Main Base and Wallops Island; and the introduction of new opportunities and expansion of existing NASA and DoD programs at WFF including Navy pilot proficiency training and BAMS. Alternative Two would include all activities described in Alternative One and also comprise additional construction projects and several new mission opportunities, including the introduction of commercial manned space flight from WFF and the abovementioned land use exchange with USFWS. Under the No Action Alternative, WFF and its partners would continue the existing operations and programs previously discussed in the 2005 Site-Wide EA. NASA anticipates that the public will be most interested in the potential environmental impacts of each alternative on protected and special status species, wetlands, noise, and socioeconomics.

Scoping Meeting

NASA and its Cooperating Agencies plan to hold a public scoping meeting to provide information on the Site-wide PEIS and to solicit public comments regarding environmental concerns and alternatives to be considered in the PEIS. The public scoping meeting will be held Wednesday, August 3, 2011, at the WFF Visitor Center, Wallops Island, Virginia, 6 p.m.–8 p.m.

As the PEIS is prepared, the public will be provided several opportunities for involvement, the first of which is during scoping. Even if an interested party does not have input at this time, other avenues, including reviews of the Draft and Final PEIS, will be offered in the future. The availability of these documents will be published in the **Federal Register** and through local news media to ensure that all members of the public have the ability to actively participate in the NEPA process.

Olga M. Dominguez,

Assistant Administrator for Strategic Infrastructure.

[FR Doc. 2011–17290 Filed 7–8–11; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (11–061)]

NASA Advisory Council; Commercial Space; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the Commercial Space Committee of the NASA Advisory Council.

DATES: Tuesday August 2, 2011, 8:15 a.m. to 2:45 p.m., Local Time.

ADDRESSES: NASA Ames Conference Center, Building 152, Dailey Road, NASA Research Park, NASA Ames Research Center (ARC), Moffett Field, CA 95035–1000. Please see signs for exact room locations.

FOR FURTHER INFORMATION CONTACT: Mr. John Emond, Office of Chief Technologist, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–1686, *Fax:* 202–358–3878, *john.l.emond@nasa.gov.*

SUPPLEMENTARY INFORMATION: This Commercial Space Committee meeting will continue its focus on NASA's implementation of programs to enable development of commercially viable space transportation capabilities. The Committee will also review other elements of commercial space endeavors such as commercial payload development. During part of the agenda, the Commercial Space Committee will have a joint session with the NASA Advisory Council's Space Operations Committee and Exploration Committee regarding Commercial Space.

The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Attendees will be required to comply with NASA security procedures, including the presentation of a valid picture ID. U.S. citizens will need to show valid, officially-issued picture identification such as a driver's license to enter into the NASA Research Park, and must state they are attending the NASA Advisory Council Commercial Space Committee session in NASA Building 152. Permanent Resident Aliens will need to show residency status (valid green card) and a valid, officially issued picture identification such as a driver's license and must state they are attending the Commercial Space Committee session in NASA Building 152. All non-U.S. citizens must submit, no less than 10 working days prior to the meeting, their name, current address, citizenship, company affiliation (if applicable) to include address, telephone number, and their title, place of birth, date of birth, U.S. visa information to include type, number and expiration date, U.S. Social Security Number (if applicable) to John Emond, Executive Secretary, Commercial Space Committee, Innovative Partnerships Office, Office of Chief Technologist, NASA Headquarters, Washington, DC. For questions, please contact Emond at *john.l.emond@nasa.gov* or by telephone at (202) 358–1686 or *fax:* (202) 358–3878.

Dated: June 30, 2011.

P. Diane Rausch,

Advisory Committee Management Office, National Aeronautics and Space Administration.

[FR Doc. 2011–17266 Filed 7–8–11; 8:45 am]

BILLING CODE P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (11–059)]

NASA Advisory Council; Aeronautics Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the Aeronautics Committee of the NASA Advisory Council. The meeting will be held for the purpose of soliciting, from the aeronautics community and other persons, research and technical information relevant to program planning.

DATES: Tuesday, August 2, 2011, 8 a.m. to 2:45 p.m.; Local Time.

ADDRESSES: NASA Ames Conference Center, Building 152, Dailey Road, NASA Research Park, NASA Ames Research Center (ARC), Moffett Field, CA 95035–1000.

FOR FURTHER INFORMATION CONTACT: Ms. Susan L. Minor, Executive Secretary for the Aeronautics Committee, National Aeronautics and Space Administration Headquarters, Washington, DC 20546, (202) 358–0566, or *susan.l.minor@nasa.gov.* Any person interested in participating in the meeting by Webex and telephone should contact Ms. Susan L. Minor at (202) 358–0566 for the Web link, toll-free number and passcode.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

- NASA Aeronautics international engagement strategy
- Verification and Validation of Flight Critical Systems planning update
- NASA Aeronautics systems analysis and strategic planning

It is imperative that this meeting be held on this date to accommodate the scheduling priorities of the key participants. Attendees will be requested to comply with NASA security requirements, including the presentation of a valid picture ID. U.S. citizens will need to show valid, officially-issued picture identification such as driver's license to enter into the NASA Research Park, and must state they are attending the NASA Advisory Council Aeronautics Committee session in the NASA Ames Conference Center. Permanent Resident Aliens will need to show residency status (valid green card) and a valid, officially issued picture identification such as driver's license and must state they are attending the session in the NASA Ames Conference Center. All non-U.S. citizens must submit, no less that 10 working days prior to the meeting, their name, current address, citizenship, company affiliation (if applicable) to include address, telephone number, and their title, place of birth, date of birth, U.S. visa information to include type, number, and expiration date, U.S. Social Security Number (if applicable) to Rho Christensen, Protocol Specialist, Office of the Center Director, NASA ARC, Moffett Field, CA. For questions, please contact Ms. Rho Christensen at (650) 604–2476 or *rho.christensen@nasa.gov.*

Dated: June 30, 2011.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2011–17269 Filed 7–8–11; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (11–060)]

NASA Advisory Council; Technology and Innovation Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Technology and Innovation Committee of the NASA Advisory Council (NAC). The meeting will be held for the purpose of reviewing the Space Technology programs and review of commercialization and intellectual property issues and activities within the Office of the Chief Technologist and NASA as a whole.

DATES: Tuesday, August 2, 2011, 8 a.m. to 2:45 p.m., Local Time.

ADDRESSES: NASA Ames Research Center, Mezzanine Room, NASA Ames Conference Center, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Green, Office of the Chief Technologist, NASA Headquarters, Washington, DC 20546, (202) 358–4710, fax (202) 358–4078, or *g.m.green@nasa.gov*.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Office of the Chief Technologist Update
—Space Technology programs Updates
—Updates on commercialization, technology transfer and licensing activities within NASA, the private sector, and other government agencies.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide a copy of their passport, visa, or green card in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizenship can provide identifying information 5 working days in advance by contacting Mr. Mike Green via e-mail at *g.m.green@nasa.gov* or by telephone at (202) 358–4710.

Dated: June 30, 2011.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2011–17268 Filed 7–8–11; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On May 24, 2011, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on July 6, 2011 to: Jo-Ann Mellish, Permit No. 2012–003.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 2011–17294 Filed 7–8–11; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Integrative Activities, #1373; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Ad Hoc Advisory Committee on the Merit Review Process (MRPAC).

Date/Time: July 28, 2011 12 p.m.–4 p.m., EDT.

Place: National Science Foundation, 4201 Wilson Boulevard, Room II–515, Arlington, VA.

Type of Meeting: Open.

Contact Person: Ms. Victoria Fung, National Science Foundation, 4201 Wilson Boulevard, Room II–515, Arlington, VA 22230. E-mail: *vfung@nsf.gov*. Telephone: (703) 292–8040.

If you plan to attend the meeting, please send an e-mail with your name and affiliation to the individual listed above, by the day before the meeting, so that a visitor badge can be prepared.

Purpose of Meeting: To provide advice on topics related to NSF's merit review process.

Agenda:

- Welcome, introductions and charge to the committee
- Presentation and discussion: The merit review process
- Discussion: Strategy for outreach and engagement

Dated: July 6, 2011.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2011–17328 Filed 7–8–11; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0100; Docket Nos. 50–413 and 50–414; Docket Nos. 50–369 and 50–370; Docket Nos. 50–269, 50–270, And 50–287]

Duke Energy Carolinas, LLC Catawba Nuclear Station, Units 1 and 2; McGuire Nuclear Station, Units 1 and 2; Oconee Nuclear Station, Units 1, 2, and 3; Notice of Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has granted the request by Duke Energy Carolinas, LLC (the licensee), to withdraw its September 16, 2010, application for proposed amendments to Renewed Facility Operating Licenses NPF–35 and NPF–52 for the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina; Renewed Facility Operating Licenses NPF–9 and NPF–17, for the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina; and Renewed Facility Operating Licenses DPR–38, DPR–47, and DPR–55 for the Oconee Nuclear Station, Units 1, 2, and 3 located in Oconee County, South Carolina.

The proposed amendment would have revised the Technical Specifications (TSs) and Licenses by making organizational changes.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 14, 2010 (75 FR 77909). However, the licensee has chosen not to pursue the proposed change.

For further details with respect to this action, see the application for amendment dated September 16, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML102650039), and the

NRC staff's letters dated May 19, 2011 (ADAMS Accession No. ML11138A041), and June 30, 2011 (ADAMS Accession No. ML11171A421). 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. Publicly available documents created or received at the NRC are available online in the NRC Library at, *http://www.nrc.gov/reading-rm/adams.html.* 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.resource@nrc.gov.*

Dated at Rockville, Maryland, this 30th day of June 2011.

For The Nuclear Regulatory Commission.

John Stang,

Senior Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2011–17309 Filed 7–8–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0279]

Impact of Reduced Dose Limits on NRC Licensed Activities; Solicitation of Public Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or Commission) is seeking public comment on NUREG/CR–6112, ''Impact of Reduced Dose Limits on NRC Licensed Activities,'' published in May 1995 (ADAMS Accession No. ML110960355). This document is being revised to support the technical basis development for possible changes to NRC's radiation protection regulations, as appropriate and where scientifically justified, to achieve greater alignment with the 2007 recommendations of the International Commission on Radiological Protection (ICRP) contained in ICRP Publication 103.

DATES: Comments must be filed no later than August 19, 2011. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Please include Docket ID NRC–2009–0279 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site, *http://www.regulations.gov.* Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed. You may submit comments by any one of the following methods:

• *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2009–0279. Address questions about NRC dockets to Carol Gallagher, telephone: 301–492–3668; e-mail: *Carol.Gallagher@nrc.gov.*

• *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

• *Fax comments to:* RADB at 301–492–3446.

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, O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.* NUREG/CR–6112, ''Impact of Reduced Dose Limits on NRC Licensed Activities,'' published in May 1995, is available electronically under ADAMS Accession No. ML110960355.

Background: As part of the technical basis development, the Office of Nuclear Regulatory Research (RES) staff entered into a contract with Sandy Cohen & Associates (SC&A) to revise NUREG/CR–6112. The revision of this document would include updated information regarding potential impacts, burdens, and benefits of reduced occupational limits on NRC- and Agreement State-licensed activities.

Discussion: The Commission believes that the current NRC regulatory framework continues to provide adequate protection of health and safety of workers, the public, and the environment. To ensure that NRC is well informed of all the benefits and burdens associated with further alignment of NRC's current radiation protection regulations with ICRP Publication 103, NRC is seeking input from stakeholders and interested parties on NUREG/CR–6112. Specifically, public comments should address impacts to NRC- and Agreement State-licensed activities regarding: (1) Changes to the current occupational dose limit of 50 mSv/yr (5 rem/yr); (2) changes to the current dose limit for declared pregnant workers of 5 mSv (0.50 rem); (3) an increase or decrease in collective worker dose (person-mSv); (4) the need for expanded exposure control efforts; and (5) economic costs that may be incurred to achieve compliance with potential reduced occupational dose limits. Stakeholders and interested parties also may provide comments on other options, issues, or information for NRC's consideration. The NRC staff and SC&A will use this feedback in developing the revised NUREG/CR–6112 report.

Dated at Rockville, Maryland, this 29th day of June 2011.

For the Nuclear Regulatory Commission.

Terry Brock,

Acting Branch Chief, Division of Systems Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 2011–17308 Filed 7–8–11; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Requests Under OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will submit the following information collection request to the Office of Management and

Budget (OMB) for approval. In compliance with the Paperwork Reduction Act of 1995 (44 USC Chapter 35), the Peace Corps invites the general public to comment on this request for approval of a new proposed information collection, Peace Corps Response Application (OMB Control Number 0420–0005). This process is conducted in accordance with 5 CFR 1320.10

DATES: Submit comments on or before September 9, 2011.

ADDRESSES: Comments should be addressed to Denora Miller, Freedom of Information Act Officer. Denora Miller can be contacted by telephone at 202–692–1236 or e-mail at *pcfr@peacecorps.gov.* E-mail comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: Denora Miller at Peace Corps address above.

SUPPLEMENTARY INFORMATION: The information collected by the Volunteer Application is used by the Peace Corps to collect essential information from individuals, including technical and language skills, and availability for Peace Corps service. The Volunteer Application is the document of record for an individual's decision to apply for Peace Corps service.

Title: Peace Corps Volunteer Application.

OMB Control Number: 0420–0005.

Type of Review: New.

Affected Public: General public.

Respondents' Obligation To Reply: Voluntary.

Burden to the Public:

(a) Estimated number of respondents—14,000;

(b) Estimated average burden—6 hours;

(c) Frequency of response—one time;

(d) Annual reporting burden—84,000 hours; and

(e) Estimated annual cost to respondents—$0.00

General Description of Collection: The Volunteer Application is used by Peace Corps in its assessment of an individual's qualifications to serve as a Peace Corps Volunteer including practical and cross-cultural experience, maturity, and motivation and commitment.

Request for Comment: Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice issued in Washington, DC, on July 5, 2011.

Earl W. Yates,

Associate Director, Management.

[FR Doc. 2011–17273 Filed 7–8–11; 8:45 am]

BILLING CODE 6051–01–P

SECURITIES AND EXCHANGE COMMISSION

[RELEASE NO. 34–64804; File No. SR–MSRB–2011–07]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of Revisions to the Study Outline for the Municipal Fund Securities Limited Principal Qualification Examination (Series 51)

July 5, 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 June 21, 2011, the Municipal Securities Rulemaking Board (''Board'' or ''MSRB'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change (File No. SR–MSRB–2011–07) (the ''proposed rule change'') as described in Items I, II, and III below, which Items have been prepared by the MSRB. The MSRB has designated the proposed rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to Section 19(b)(3)(A)(i) [3] of the Act and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The implementation date of the proposed rule change is August 1, 2011, which is when the revised study outline will indicate its effective date. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

[4] 17 CFR 240.19b–4(f)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB is filing with the Commission revisions to the study outline for the Municipal Fund Securities Limited Principal Qualification Examination (Series 51).

The text of the proposed rule change is available on the MSRB's Web site at *http://www.msrb.org/Rules-and-Interpretations/SEC–Filings/2011–Filings.aspx,* at the MSRB's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Board 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

Section 15B(b)(2)(A) of the Act [5] authorizes the MSRB to prescribe standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors and municipal entities or obligated persons. The MSRB has developed examinations that are designed to establish that persons associated with brokers, dealers and municipal securities dealers that effect transactions in municipal securities have attained specified levels of competence and knowledge. The MSRB periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

MSRB Rule G–3(b)(iv) states that the municipal fund securities limited principal has responsibility to oversee the municipal securities activities of a securities firm or bank dealer solely as such activities relate to transactions in municipal fund securities. In this capacity, the municipal fund securities

[5] 15 U.S.C. 78o–4(b)(2)(A).

limited principal manages, directs or supervises one or more of the following activities relating to municipal fund securities: underwriting, trading or selling municipal fund securities; rendering financial advisory or consultant services to issuers of municipal fund securities; research or investment advice, or communications with customers, about any of the activities named heretofore; maintaining records on activities in municipal fund securities; processing, clearing, and (in the case of securities firms) safekeeping of municipal fund securities; and training of principals and representatives.[6] The only examination that qualifies a municipal fund securities limited principal is the Municipal Fund Securities Limited Principal Qualification Examination.

The Municipal Fund Securities Limited Principal Qualification Examination is designed to determine whether an individual meets the MSRB's qualification standards for municipal fund securities limited principals. To do this, the examination measures a candidate's knowledge of MSRB rules, rule interpretations and Federal statutory provisions applicable to the activities listed above. It also measures the candidate's ability to apply these rules and interpretations to given fact situations in the context of municipal fund securities activities. In addition to passing this examination, a candidate must also have previously or concurrently qualified as a general securities principal or investment company/variable contracts limited principal. The examination consists of 60 multiple-choice questions and each question is worth one point. The passing grade is 70%. Candidates are allowed one and one-half hours to complete the examination.

Recent changes to MSRB rules have necessitated revisions to the Series 51 study outline to indicate the current rule requirements and rule citations. A summary of the changes to the study outline for the Series 51 examination, detailed by major topic headings, is provided below. Changes are stated as revisions to the current outline.

Part Three: General Supervision

Qualification and Registration

• The topic for Rule A–15 has been revised to indicate the current rule requirements for notification to the MSRB of change in status, name or address.

Part Six: Underwriting and Disclosure Obligations

Obligations of Municipal Underwriters

• The topic ''Delivery of official statement and Form G–36(OS) to the MSRB'' has been replaced with ''Submission of official statements, advance refunding documents and other required information to EMMA'' to reflect the current requirements pursuant to Rule G–32(b).

• The topic ''Responsibility of primary distributors'' has been deleted because the current requirements for primary distributors are included under the topic ''Submission of official statements, advance refunding documents and other required information to EMMA'' pursuant to Rule G–32(b).

Disclosures to Customers

• The rule citation for the topic ''Delivery of official statement to customer and other disclosure requirements'' has been revised to reflect current Rule G–32.

2. Statutory Basis

The MSRB believes that the proposed revisions to the study outline for the Series 51 examination are consistent with the provisions of Section 15B(b)(2)(A) of the Act, which authorizes the MSRB to prescribe standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors and municipal entities or obligated persons. Section 15B(b)(2)(A) of the Act also provides that the Board may appropriately classify municipal securities brokers, municipal securities dealers, and municipal advisors, and persons associated with municipal securities brokers, municipal securities dealers, and municipal advisors and require persons in any such class to pass tests prescribed by the Board.

The MSRB believes that the proposed revisions to the study outline for the Series 51 examination are consistent with the provisions of Section 15B(b)(2)(A) of the Act in that the revisions will ensure that certain key concepts or rules are tested on each administration of the examination in order to test the competency of individuals seeking to qualify as municipal fund securities limited principals with respect to their knowledge about MSRB rules and the municipal securities market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, 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 on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[7] and Rule 19b–4(f)(1)[8] thereunder, in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. The implementation date of the proposed rule change is August 1, 2011, which is when the revised study outline will indicate its effective date. 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.[9]

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–MSRB–2011–07 on the subject line.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission,

[6] A municipal securities principal (Series 53) is also qualified to supervise these responsibilities.

[7] 15 U.S.C. 78s(b)(3)(A)(i).

[8] 17 CFR 240.19b–4(f)(1)

[9] *See* Section 19(b)(3)(C) of the Act, 15 U.S.C. 78s(b)(3)(C).

100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MSRB–2011–07. 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 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 MSRB's offices. 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–MSRB–2011–07 and should be submitted on or before August 1, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17245 Filed 7–8–11; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64809; File No. SR–NYSE–2011–20]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Add New Section 907.00 to the Listed Company Manual That Sets Forth Certain Complimentary Products and Services That Are Offered to Currently and Newly Listed Issuers

July 5, 2011.

On May 5, 2011, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the NYSE's Listed Company Manual to set forth certain complimentary products and services, and their commercial value, that are offered by the Exchange to currently and newly listed issuers. The proposed rule change was published for comment in the **Federal Register** on May 23, 2011.[3] The Commission received sixteen comment letters on the proposal.[4]

The Commission also received a comment letter from NYSE in response to the commenters.[5]

Section 19(b)(2) of the Act[6] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is July 7, 2011.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the Exchange's proposal, as described above, and to consider the comment letters that have been submitted in connection with the proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act,[7] the Commission designates August 21, 2011 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File Number SR–NYSE–2011–20).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17305 Filed 7–8–11; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 64506 (May 17, 2011), 76 FR 29806 (May 23, 2011).

[4] *See* Letters to the Commission, from Ronald Russo, GLX, Inc., dated May 18, 2011; Bryan Degnan, Taylor Rafferty Associates, dated May 19, 2011; Jennifer Kaminsky, dated May 19, 2011; Anonymous, dated May 19, 2011; Todd Allen, dated May 19, 2011; Brian Rivel, President, Rivel Research Group, dated May 20, 2011; Jerry Falkner, May 22, 2011; Enzo Villani, President, MZ North America, dated June 6, 2011; John Fairir, dated June 7, 2011; Michael Pepe, CEO, PrecisionIR Group, dated June 7, 2011; Michael O'Connell, Director IR Solutions, SNL Financial, dated June 10, 2011; Dominic Jones, President, IR Web Reporting International, Inc., dated June 15, 2011; Darrell Heaps, CEO, Q4 Web System, dated June 16, 2011; Dominic Jones, President, IR Web Reporting International, Inc., dated June 29, 2011; and e-mails to Robert Cook, Director, Division of Trading and Markets and David Shillman, Associate Director, Division of Trading and Markets, from Patrick Healy, CEO, Issuer Advisory Group, LLC, dated June 26, 2011 and June 28, 2011.

[5] *See* Letter to Elizabeth M. Murphy, Secretary, Commission, from Janet L. McGinness, Senior Vice President—Legal and Corporate Secretary, NYSE, dated June 27, 2011.

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

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

[8] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64805; File No. SR–ISE–2011–30]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Approving a Proposed Rule Change Relating to Complex Orders

July 5, 2011.

I. Introduction

On May 23, 2011, the International Securities Exchange, LLC (the ''Exchange'' or ''ISE''), filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to allow complex orders in options classes traded on the ISE's Optimise trading platform to be entered into the Price

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Improvement Mechanism (''PIM''). The proposed rule change was published for comment in the **Federal Register** on May 31, 2011.[3] The Commission received no comment letters regarding the proposal. This order approves the proposed rule change.

II. Description

The ISE proposes to amend ISE Rule 723, ''Price Improvement Mechanism for Crossing Transactions'' to allow complex orders in options classes traded on the ISE's Optimise trading platform to be entered into the PIM.[4] Under ISE Rule 723, an ISE member may enter an agency order (the ''Agency Order'') in the PIM, together with a counter-side order (the ''Counter-Side Order'') for the full size of the Agency Order, at a price that is better than the ISE best bid or offer (''ISE BBO'') and equal to or better than the national best bid or offer (''NBBO'').[5] The Agency Order and the Counter-Side Order (together, the ''Crossing Transaction'') are exposed to all ISE members for a one-second exposure period.[6] During the exposure period, all ISE members may submit Improvement Orders for their own account or for the account of a Public Customer at the same price as the Crossing Transaction or at an improved price.[7] At the end of the exposure period, the Agency Order is executed in full at the best prices available, taking into consideration orders and quotes in the Exchange market, Improvement Orders, Customer Participation Orders, and the Counter-Side Order.[8]

Under the proposal, a complex order submitted to the PIM must be entered at a net price that is better than the best net price (i) Available on the complex order book; and (ii) achievable from the ISE best bids and offers for the individual legs of the order (an ''improved net price''), and complex orders that are not entered at an improved net price will be rejected.[9] If an improved net price for a complex order being executed in the PIM can be achieved from bids and offers for the individual legs of the complex order in the ISE's auction market, the complex order being executed will receive an execution at the better net price.[10]

The priority provisions in ISE Rule 722(b)(2) will continue to apply to complex orders executed in the PIM.[11]

References to the NBBO in ISE Rule 723 and the Supplementary Material are inapplicable.[12] In addition, ISE Rule 723, Supplementary Material .08, is not applicable to complex orders.[13] The provisions of ISE Rule 723(c)(5) will apply with respect to the receipt of orders for the same complex order, rather than to the receipt of orders for the individual legs of the complex order.[14]

Under ISE Rule 723, Supplementary Material .03 and Supplementary Material .05, the Exchange provides the Commission with monthly statistics related to PIM order executions. The ISE represents that these statistics will include complex orders executed through the PIM.[15]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[16] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[17] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

By allowing ISE members to enter complex orders in the PIM, the Commission believes that the proposal could provide an opportunity for complex orders to receive price improvement. Under the proposal, a complex order must be entered in the PIM at a net price that is better than the best net price (i) Available on the complex order book; and (ii) achievable from the ISE best bids and offers for the individual legs of the order (an ''improved net price''), and complex orders that are not entered at an improved net price will be rejected.[18] As noted above, an ISE member enters an Agency Order in the PIM with a Counter-Side Order for the full size of the Agency Order.[19] At the conclusion of the PIM exposure period, the Agency Order is executed in full at the best prices available, taking into consideration orders and quotes in the ISE market, Improvement Orders, Customer Participation Orders, and the Counter-Side Order.[20] Thus, a complex order entered in the PIM would receive an execution at the best price available at the conclusion of the PIM and, at a minimum, would be executed in full at the improved net price. In addition, if an improved net price for a complex order entered in the PIM could be achieved from bids and offers for the individual legs of the complex order in the ISE's auction market, the complex order would be executed at the better net price.[21]

ISE Rule 723, Supplementary Material .08, which allows a Crossing Transaction to be entered at the ISE BBO when the ISE BBO is equal to the NBBO and the Agency Order is on the opposite side of the market from the ISE BBO, will not apply to complex orders entered into the PIM because complex orders entered into the PIM must be entered at a price that is better than the best net price (i) Available on the complex order book; and (ii) achievable

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[3] *See* Securities Exchange Act Release No. 64538 (May 24, 2011); 76 FR 31385 (''Notice'').

[4] The Optimise platform is the ISE's enhanced technology trading platform. *See* Securities Exchange Act Release No. 63117 (October 15, 2010), 75 FR 65042 (October 21, 2010) (notice of filing and immediate effectiveness of File No. SR–ISE–2010–101); and Securities Exchange Act Release No. 64275 (April 8, 2011), 76 FR 21087 (April 14, 2011) (notice of filing and immediate effectiveness of File No. SR–ISE–2011–24). The Exchange is in the process of migrating options classes from its current trading platform to the Optimise platform. The same options cannot trade on both platforms simultaneously.

[5] *See* ISE Rule 723(b) and (b)(1).

[6] *See* ISE Rule 723(c).

[7] *See* ISE Rule 723(c)(2). Members also may enter Improvement Orders with respect to Customer Participation Orders, as defined in ISE Rule 715(f). *See* ISE Rule 723, Supplementary Material .06.

[8] *See* ISE Rule 723(d).

[9] *See* ISE Rule 723, Supplementary Material .10.

[10] *Id.*

[11] *Id.* ISE Rule 722(b)(2) states that a complex order may be executed at a total credit or debit price with one other member without giving priority to bids or offers established in the marketplace that are no better than the bids or offers comprising such total credit or debit; provided, however, that if any of the bids or offers established in the marketplace consist of a Priority Customer Order, the price of at least one leg of the complex order must trade at a price that is better than the corresponding bid or offer in the marketplace by at least one minimum trading increment as defined in ISE Rule 710.

[12] *See* ISE Rule 723, Supplementary Material .10.

[13] *Id.* ISE Rule 723, Supplementary Material .08 provides that, when the ISE BBO is equal to the NBBO, a Crossing Transaction may be entered at a price equal to the ISE BBO if the Agency Order is on the opposite side of the market from the ISE BBO.

[14] *See* ISE Rule 723, Supplementary Material .10. Under ISE Rule 723(c)(5)(ii) and (iii), the exposure period will terminate automatically upon the receipt of a market or marketable limit order on the Exchange in the same series, or upon the receipt of a non-marketable limit order in the same series on the same side of the market as the Agency Order that would cause the price of the Crossing Transaction to be outside of the best bid or offer on the Exchange.

[15] *See* Notice, *supra* note 3, at note 7.

[16] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* ISE Rule 723, Supplementary Material .10.

[19] *See* ISE Rule 723(b).

[20] *See* ISE Rule 723(d).

[21] *See* ISE Rule 723, Supplementary Material .10.

from the best ISE bids and offers for the individual legs.[22] In addition, for complex orders entered into the PIM, the provisions in ISE Rule 723(c)(5)(ii) and (iii), which provide for the automatic termination of the PIM exposure period following the receipt of certain orders in the same series as the order being exposed for price improvement, will apply only upon the receipt of a complex order that satisfies the conditions in ISE Rule 723(c)(5)(ii) or (iii), rather than upon the receipt of an order for one of the individual legs of the complex order.[23]

The Commission notes that the priority rules in ISE Rule 722(b)(2) relating to complex orders will continue to apply to complex orders entered into the PIM.[24] In addition, the monthly statistics relating to PIM order executions that ISE provides to the Commission pursuant to ISE Rule 723, Supplementary Material .03 and Supplementary Material .05 will include complex orders executed through the PIM.[25]

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[26] that the proposed rule change (SR–ISE–2011–30) is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17331 Filed 7–8–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64803; File No. SR–Phlx–2011–88]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NASDAQ OMX PHLX LLC To Modify Its Fee Schedule Regarding Co-Location Fees to Establish Fees for Access to Market Data Feeds From the Toronto Stock Exchange and the TSX Venture Exchange

July 5, 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 June 23, 2011, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify its Fee Schedule regarding co-location fees to establish fees for access to market data feeds from the Toronto Stock Exchange (''TSX'') and the TSX Venture Exchange (''TSXV'').

The Exchange will implement the proposed change on July 1, 2011. The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqtrader.com/micro.aspx?id=PHLXfilings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to modify the Exchange's Fee Schedule regarding co-location fees to establish fees for access to market data feeds from TSX and TSXV. The Exchange proposes: (1) A one-time fee of $1,000 for the installation of telecommunications connectivity for selected TSX and TSXV real-time market data feeds, along with (2) a per-month connectivity fee of $300 if a client wishes to receive the TSX and TSXV Level 1 Feed; a per-month connectivity fee of $1,000 if a client wishes to receive the TSX and TSVX Level 2 Feed; a per-month connectivity fee of $100 if a client wishes to receive the TSX Quantum Level 1 Feed; and a per-month connectivity fee of $300 if a client wishes to receive the TSX Quantum Level 2 Feed.

The Exchange is making the TSX market data feeds available as a convenience to customers and notes that receipt of these feeds is completely voluntary. The Exchange also notes that such feeds may be freely obtained from other vendors for use by customers in the datacenter. These fees are similar to fees already charged by Phlx for receipt of market data from other exchanges in the data center. See also the market data connectivity fees for SIAC, the Chicago Mercantile Exchange, and the BATS Exchange on the Exchange's Fee Schedule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[3] in general, and with Section 6(b)(4) of the Act,[4] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls.

The Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading activities of those members who believe that co-location enhances the efficiency of their trading. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of such members. If a particular exchange charges excessive fees for co-location services, affected members will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including co-locating with a different exchange, placing their servers in a physically proximate location outside the exchange's data center, or pursuing trading strategies not dependent upon co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also revenues associated with the execution of orders routed to it by affected members. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge

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[22] *See* ISE Rule 723, Supplementary Material .10.

[23] *Id.*

[24] *Id.*

[25] *See* Notice, *supra* note 3, at note 7.

[26] 15 U.S.C. 78s(b)(2).

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(4).

unreasonable fees for co-location services.

It should be noted, however, that the costs associated with operating a co-location facility, like the costs of operating the electronic trading facility with which the co-location facility is associated, are primarily fixed costs, and in the case of co-location are primarily the costs of renting or owning data center space and retaining a staff of technical personnel. Accordingly, the Exchange establishes a range of co-location fees with the goal of covering these fixed costs, covering less significant marginal costs, such as the cost of electricity, and to the extent the costs are covered, earns [sic] a profit. Because fixed costs must be allocated among all customers, the Exchange's fee schedule reflects an effort to assess a range of relatively low fees for specific aspects of co-location services, which, in the aggregate, will allow the Exchange to cover its costs and earn a profit; [sic] to the extent the costs are covered.

In the case the proposed fees for installation and connectivity to select TSX and TSXV real-time market data feeds, the proposed fees cover the costs charged by Nasdaq Technology Services for establishing and maintaining the telecommunication networks to obtain and republish these market data feeds. The fees are based on anticipated bandwidth needed to accommodate a particular feed. The proposed fees also allow the Exchange earn [sic]a profit; [sic] to the extent the costs are covered. The Exchange notes that it is not the exclusive method to obtain market data connectivity. The Exchange believes that it is reasonable to use fees assessed on this basis as a means to recoup Phlx's share of the costs associated with the proposed market data feeds, provide a convenience for the customers, and to the extent the costs are covered, provide the Exchange a profit.

The Exchange notes that its installation and monthly connectivity rates proposed for TSX and TSXV market data feeds are similar to connectivity fees imposed by other vendors. The Exchange also notes that the fees charged by the Exchange are generally lower or comparable to prices charged by other exchanges or unregulated vendors for similar services. For instance, NYSE is charging charges fees of $500 to $5,750 for selected CME market data feeds and charges a $950 installation fee.[5]

Furthermore, because the proposed co-location services are entirely voluntary and available to all members, the Exchange's fees for proposed co-location services are equitably allocated and non-discriminatory. In addition, the market data feeds may be obtained from other sources.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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.[6] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov. Please include File Number SR–Phlx–2011–88 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–2011–88. 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 website 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–Phlx–2011–88 and should be submitted on or before August 1, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17330 Filed 7–8–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64802; File No. SR–BX–2011–038]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Its Co-Location Fee Schedule To Establish Fees for Access to Market Data Feeds From the Toronto Stock Exchange and the TSX Venture Exchange

July 5, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

[5] *See http://www.nyxdata.com/doc/50210.*

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 200.30–3(a)(12).

(''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 23, 2011, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify its co-location fee schedule to establish fees for access to market data feeds from the Toronto Stock Exchange (''TSX'') and the TSX Venture Exchange (''TSXV'').

The Exchange will implement the proposed change on July 1, 2011. The text of the proposed rule change is available at *http://nasdaqomxbx.cchwallstreet.com/*, at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to modify the Exchange's co-location fee schedule to establish fees for access to market data feeds from TSX and TSXV. The Exchange proposes: (1) A one-time fee of $1,000 for the installation of telecommunications connectivity for selected TSX and TSXV real-time market data feeds, along with (2) a per-month connectivity fee of $300 if a client wishes to receive the TSX and TSXV Level 1 Feed; a per-month connectivity fee of $1,000 if a client wishes to receive the TSX and TSVX Level 2 Feed; a per-month connectivity fee of $100 if a client wishes to receive the TSX Quantum Level 1 Feed; and a per-month connectivity fee of $300 if a client wishes to receive the TSX Quantum Level 2 Feed.

The Exchange is making the TSX [sic] market data feeds available as a convenience to customers and notes that receipt of these feeds is completely voluntary. The Exchange also notes that such feeds may be freely obtained from other vendors for use by customers in the datacenter. These fees are similar to fees already charged by BX for receipt of market data from other exchanges in the data center. See also the market data connectivity fees for SIAC, the Chicago Mercantile Exchange, and the BATS Exchange on the Exchange's co-location fee schedule.

2. *Statutory Basis*

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[3] in general, and with Section 6(b)(4) of the Act,[4] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls.

The Exchange operates in a highly competitive market in which exchanges offer co-location services as a means to facilitate the trading activities of those members who believe that co-location enhances the efficiency of their trading. Accordingly, fees charged for co-location services are constrained by the active competition for the order flow of such members. If a particular exchange charges excessive fees for co-location services, affected members will opt to terminate their co-location arrangements with that exchange, and adopt a possible range of alternative strategies, including co-locating with a different exchange, placing their servers in a physically proximate location outside the exchange's data center, or pursuing trading strategies not dependent upon co-location. Accordingly, the exchange charging excessive fees would stand to lose not only co-location revenues but also revenues associated with the execution of orders routed to it by affected members. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for co-location services.

It should be noted, however, that the costs associated with operating a co-location facility, like the costs of operating the electronic trading facility with which the co-location facility is associated, are primarily fixed costs, and in the case of co-location are primarily the costs of renting or owning data center space and retaining a staff of technical personnel. Accordingly, the Exchange establishes a range of co-location fees with the goal of covering these fixed costs, covering less significant marginal costs, such as the cost of electricity, and to the extent the costs are covered, earns [sic] a profit. Because fixed costs must be allocated among all customers, the Exchange's fee schedule reflects an effort to assess a range of relatively low fees for specific aspects of co-location services, which, in the aggregate, will allow the Exchange to cover its costs and earn a profit; [sic] to the extent the costs are covered.

In the case the proposed fees for installation and connectivity to select TSX and TSXV real-time market data feeds, the proposed fees cover the costs charged by Nasdaq Technology Services for establishing and maintaining the telecommunication networks to obtain and republish these market data feeds. The fees are based on anticipated bandwidth needed to accommodate a particular feed. The proposed fees also allow the Exchange [sic] earn a profit; [sic] to the extent the costs are covered. The Exchange notes that it is not the exclusive method to obtain market data connectivity. The Exchange believes that it is reasonable to use fees assessed on this basis as a means to recoup BX's share of the costs associated with the proposed market data feeds, provide a convenience for the customers, and to the extent the costs are covered, provide the Exchange a profit.

The Exchange notes that its installation and monthly connectivity rates proposed for TSX and TSXV market data feeds are similar to connectivity fees imposed by other vendors. The Exchange also notes that the fees charged by the Exchange are generally lower or comparable to prices charged by other exchanges or unregulated vendors for similar services. For instance, NYSE is charging charges [sic] fees of $500 to $5,750 for selected CME market data feeds and charges a $950 installation fee.[5]

Furthermore, because the proposed co-location services are entirely voluntary and available to all members, the Exchange's fees for proposed co-location services are equitably allocated and non-discriminatory. In addition, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(4).

[5] See *http://www.nyxdata.com/doc/50210.*

market data feeds may be obtained from other sources.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

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.[6] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–BX–2011–038 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–2011–038. 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–BX–2011–038 and should be submitted on or before August 1, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17329 Filed 7–8–11; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64806; File No. SR–CBOE–2011–058]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Changes To Its Fees Schedule Related to Qualified Contingent Cross Orders

July 5, 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 June 29, 2011, the Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to adopt changes to its Fees Schedule related to qualified contingent cross (''QCC'') orders. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/legal*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 13, 2011, the Commission approved a proposed rule change to allow the Exchange to establish the QCC order type.[3] The Exchange now proposes to adopt changes to its Fees Schedule related to this new order type. Specifically, the Exchange proposes to apply its applicable standard transaction fees to QCC transactions, with three exceptions. First, QCC trades will not be subject to the marketing fee, therefore the Exchange is proposing to amend the description of the marketing fee program contained in Footnote 6 of the Fees Schedule to indicate that the fee will not apply to transactions executed as a QCC under CBOE Rule 6.53(u). The Exchange does not believe it is necessary to assess a marketing fee to QCC transactions. This is consistent with other exchanges, such as the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 64653 (June 13, 2011), 76 FR 35491 (June 17, 2011) (SR–CBOE–2011–041) and CBOE Rule 6.53(u).

International Securities Exchange, LLC (''ISE''), which does not collect Payment for Order Flow fees on transactions, including QCC transactions, in a large number of select symbols.[4]

Second, the Exchange intends to waive the transaction fee for public customer (''C'' origin code) orders in options on Standard & Poor's Depositary Receipts (''SPY options'') that are executed as part of a QCC transaction, therefore the Exchange is proposing to amend the description of the fee waiver in Footnote 8 of the Fees Schedule to indicate that this waiver will apply to QCC transactions. The proposed fee waiver for QCC transactions is consistent with the existing waiver which currently applies to public customer trades in SPY options executed in open outcry or through the Automated Improvement Mechanism. The Exchange notes that this fee waiver is due to expire on June 30, 2011 (though the Exchange intends to file to extend this waiver through a separate rule change filing).

Third, with respect to broker-dealer QCC transactions, the transaction fee will be $0.20 per contract. This fee level is within the range of fees currently assessed by the Exchange for equity options, QQQQ and SPY options, and index options. For example, the Exchange assesses a transaction fee of $0.20 per contract for many transactions in those products executed by voluntary professionals, professionals, CBOE market-makers, DPMs, E–DPMs and Clearing Trader Permit Holders making proprietary trades. The $0.20 per contract transaction fee for broker-dealer QCC transaction is also near, though actually slightly below, the range of fees charged for execution of other broker-dealer orders ($0.25-$0.45).[5] Further, this fee level is within the range of fees assessed by other exchanges for QCC transactions by broker-dealers, including ISE and NASDAQ OMX PHLX LLC (''Phlx''), both of which also assess a $0.20 per contract fee for such transactions.[6]

The proposed rule change will take effect on July 1, 2011.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(4)[8] of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among Trading Permit Holders (''TPHs'') and other persons using Exchange facilities, and the objectives of Section 6(b)(5)[9] of the Act in particular in that it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that applying its applicable standard transaction fees to QCC transactions (apart from the three exceptions discussed above) is equitable and not unfairly discriminatory because these same fees are already being paid by market participants for other transactions on the CBOE.

The Exchange believes that excepting QCC transactions from the marketing fee for reasons of consistency and competitiveness is equitable and reasonable because this exception will apply uniformly for all QCC transactions. The Exchange believes waiving the transaction fee for public customer orders in SPY options that are executed as part of a QCC transaction is equitable and reasonable because the fee waiver would apply uniformly to all public customers trading SPY options executed as part of a QCC transaction. The Exchange also believes the proposed waiver of the transaction fee for public customer orders in SPY options that are executed as part of a QCC transaction is reasonable because it would continue to provide cost savings during the extended waiver period for public customers trading SPY options. The Commission has a history of permitting differential treatment of customers and non-customer investors generally[10] and has permitted at least one other exchange to offer different pricing for customer and non-customer QCC orders specifically.[11]

The Exchange believes that, with respect to broker-dealer QCC transactions, the transaction fee of $0.20 is equitable because it is within the range of fees currently assessed by the Exchange for other transactions, as well as the range of fees assessed by other exchanges for QCC transactions by broker-dealers, including ISE and Phlx.[12]

The Exchange operates in a highly competitive market comprised of nine U.S. options exchanges in which sophisticated and knowledgeable market participants readily can, and do, send order flow to competing exchanges if they deem fee levels at a particular exchange to be excessive. The Exchange believes that the proposed QCC fees it assesses must be competitive with fees assessed on other options exchanges. The Exchange believes that this competitive marketplace impacts the fees present on the Exchange today and influences the proposals set forth above.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is designated by the Exchange as establishing or changing a due, fee, or other charge, thereby qualifying for effectiveness on filing pursuant to Section 19(b)(3)(A) of the Act[13] and subparagraph (f)(2) of Rule 19b–4[14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File

[4] *See* the ISE Fees Schedule, pages 16–17.

[5] *See* the Exchange Fees Schedule, Section 1.

[6] *See* Securities Act Release Nos. 64112 (March 23, 2011), 76 FR 17462 (March 29, 2011) (SR–ISE–2011–14) and 64520 (May 19, 2011), 76 FR 30223 (May 24, 2011) (SR–Phlx–2011–66) and the ISE Schedule of Fees (page 16) and the Phlx Fee Schedule (page 8).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* the Exchange Fees Schedule, which provides for differential treatment of customer and non-customer orders in at least 14 places, and has been permitted by the Commission.

[11] *See* Securities Act Release No. 64520 (May 19, 2011), 76 FR 30223 (May 24, 2011) (SR–Phlx–2011–66), in which the Commission permits Phlx to offer different pricing for customer and non-customer QCC orders.

[12] *See supra* note 6.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2).

Number SR–CBOE–2011–058 on the subject line.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2011–058. 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 website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2011–058, and should be submitted on or before August 1, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–17306 Filed 7–8–11; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12576 and #12577]

Missouri Disaster Number MO–00048

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 7.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Missouri (FEMA–1980–DR), dated 05/09/2011.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 04/19/2011 through 06/06/2011.

Effective Date: 06/25/2011.

Physical Loan Application Deadline Date: 07/29/2011.

EIDL Loan Application Deadline Date: 02/09/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Missouri, dated 05/09/2011 is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 07/29/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–17316 Filed 7–8–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12669 and #12670]

Texas Disaster #TX–00378

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated 07/05/2011.

Incident: Dyer Mills Fire.

Incident Period: 06/19/2011 through 06/26/2011.

Effective Date: 07/05/2011.

Physical Loan Application Deadline Date: 09/06/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 04/05/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Grimes.

Contiguous Counties:

Texas: Brazos, Madison, Montgomery, Walker, Waller, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	6.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12669 5 and for economic injury is 12670 0.

The States which received an EIDL Declaration # are Texas.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: July 5, 2011.

Karen G. Mills,

Administrator.

[FR Doc. 2011–17326 Filed 7–8–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12663 and #12664]

Virginia Disaster #VA–00034

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Virginia dated 06/29/2011.

Incident: Severe Storms and Tornadoes.

[15] 17 CFR 200.30–3(a)(12).

Incident Period: 04/27/2011.

Effective Date: 06/29/2011.

Physical Loan Application Deadline Date: 08/29/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/29/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Washington.

Contiguous Counties:

Virginia: Bristol City, Grayson, Russell, Scott, Smyth.

Tennessee: Johnson, Sullivan.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.375
Homeowners without Credit Available Elsewhere	2.688
Businesses with Credit Available Elsewhere	6.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12663 C and for economic injury is 12664 0.

The States which received an EIDL Declaration # are Virginia, Tennessee.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Karen G. Mills,

Administrator.

[FR Doc. 2011–17325 Filed 7–8–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12661 and #12662]

Virginia Disaster #VA–00032

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Virginia dated 06/29/2011.

Incident: Severe Storms and Tornadoes.

Incident Period: 04/08/2011.

Effective Date: 06/29/2011.

Physical Loan Application Deadline Date: 08/29/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/29/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Pulaski.

Contiguous Counties:

Virginia: Bland, Carroll, Floyd, Giles, Montgomery, Radford, Wythe.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.125
Homeowners without Credit Available Elsewhere	2.563
Businesses with Credit Available Elsewhere	6.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12661 C and for economic injury is 12662 0.

The Commonwealth which received an EIDL Declaration # is Virginia.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Karen G. Mills,

Administrator.

[FR Doc. 2011–17324 Filed 7–8–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12658 and #12659]

Massachusetts Disaster #MA–00035

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Massachusetts dated 06/29/2011.

Incident: Johnsonia Apartment Building Fire

Incident Period: 06/13/2011.

Effective Date: 06/29/2011.

Physical Loan Application Deadline Date: 08/29/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/29/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Worcester.

Contiguous Counties:

Massachusetts: Franklin, Hampden, Hampshire, Middlesex, Norfolk.

Connecticut: Tolland, Windham.

New Hampshire: Cheshire, Hillsborough.

Rhode Island: Providence.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere:	5.375
Homeowners Without Credit Available Elsewhere	2.688
Businesses With Credit Available Elsewhere	6.000

	Percent
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.250
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12658 5 and for economic injury is 12659 0.

The States which received an EIDL Declaration # are Massachusetts, Connecticut, New Hampshire, Rhode Island.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Karen G. Mills,

Administrator.

[FR Doc. 2011–17323 Filed 7–8–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12653 and #12654]

North Dakota Disaster Number ND–00024

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of North Dakota (FEMA–1981–DR), dated 06/24/2011.

Incident: Flooding.

Incident Period: 02/14/2011 and continuing.

Effective Date: 06/29/2011.

Physical Loan Application Deadline Date: 08/23/2011.

EIDL Loan Application Deadline Date: 03/21/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of North Dakota, dated 06/24/2011 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Mchenry, Morton, Renville.

Contiguous Counties: (Economic Injury Loans Only):

North Dakota: Bottineau, Grant, Mercer, Pierce Sioux, Stark.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–17322 Filed 7–8–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12590 and #12591]

South Dakota Disaster Number SD–00041

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA–1984–DR), dated 05/13/2011.

Incident: Flooding.

Incident Period: 03/11/2011 and continuing.

Effective Date: 06/29/2011.

Physical Loan Application Deadline Date: 07/12/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 02/13/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of South Dakota, dated 05/13/2011, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Butte, Charles Mix, Deuel, Hutchinson, Hanson, Clay.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–17320 Filed 7–8–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12634 and #12635]

New York Disaster Number NY–00105

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of New York (FEMA–1993–DR), dated 06/10/2011 .

Incident: Severe Storms, Flooding, Tornadoes, and Straight-Line Winds.

Incident Period: 04/26/2011 through 05/08/2011.

Effective Date: 06/29/2011.

Physical Loan Application Deadline Date: 08/09/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/12/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of New York, dated 06/10/2011, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Livingston, Wyoming.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–17318 Filed 7–8–11; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2011–0044]

Occupational Information Development Advisory Panel Meeting

AGENCY: Social Security Administration (SSA).

ACTION: Notice of upcoming panel teleconference meeting.

DATES: July 27, 2011, 12 p.m.–2 p.m. (EDT); Call-in number: (866) 238–1665; Leader/Host: Leola Brooks.

SUPPLEMENTARY INFORMATION:

Type of meeting: The teleconference meeting is open to the public.

Purpose: The Occupational Information Development Advisory Panel (panel) is a discretionary panel, established under the Federal Advisory Committee Act of 1972, as amended. The panel provides independent advice and recommendations to us on the creation of an occupational information system for use in our disability programs and for our adjudicative needs. We require advice on the research design of the Occupational Information System, including the development and testing of a content model and taxonomy, work analysis instrumentation, sampling, and data collection and analysis.

Agenda: The Designated Federal Officer will post the meeting agenda on the Internet at *http://www.ssa.gov/oidap/meeting_information.htm* at least one week prior to the start date. You can also receive a copy electronically by e-mail or by fax, upon request. We retain copies of all proceedings, available for public inspection by appointment at the panel's office.

The panel will not hear public comment during this teleconference meeting.

Contact Information: Anyone requiring information regarding the Panel should contact the staff by: Mail addressed to the Occupational Information Development Advisory Panel, Social Security Administration, 6401 Security Boulevard, Robert M. Ball Federal Building, 3–E–26, Baltimore, MD 21235–6401, fax to (410) 597–0825, or E-mail to *OIDAP@ssa.gov*.

Leola S. Brooks,

Designated Federal Officer.

[FR Doc. 2011–17237 Filed 7–8–11; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 7522]

Bureau of Political-Military Affairs: Directorate of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(f) of the Arms Export Control Act (22 U.S.C. 2776).

DATES: *Effective Date:* As shown on each of the 23 letters.

FOR FURTHER INFORMATION CONTACT: Mr. Robert S. Kovac, Managing Director, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State, (202) 663–2861.

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

June 09, 2011 (Transmittal Number DDTC 10–101)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) and 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to the Republic of Korea and the Republic of the Philippines to support the manufacture, assembly and testing of AAV7A1 Amphibious Assault Vehicles (Korean Amphibious Assault Vehicles).

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus

Active Assistance Secretary, Legislative Affairs.

June 10, 2011 (Transmittal Number DDTC 10–117)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services, to Japan to design, develop, fabricate, qualify, test, deliver and support the Lead Gyro Systems for F–15 Gun Targeting.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus

Active Assistance Secretary, Legislative Affairs.

May 10, 2011 (Transmittal Number DDTC 11–005)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to India for the manufacture, assembly, integration, testing, and repair of the Enhanced Position Location Reporting System Extended Frequency—International (EPLRS–XF–I), Micro Light—I and Micro Light—DH500 and ancillary equipment in India for delivery to and end-use by the Indian Ministry of Defense (MOD) and its subordinate military commands.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus

Active Assistance Secretary, Legislative Affairs.

May 31, 2011 (Transmittal Number DDTC 11–008)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, or defense services abroad in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Algeria for the manufacture of various RF Tactical Radio Systems and Accessories for end use by the Algerian Ministry of National Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 26, 2011 (Transmittal Number DDTC 11–009)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed technical assistance agreement to include the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more, and the export of major defense equipment in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Oman and Greece for the sale of three C–130J aircraft including associated spares and support equipment to the Government of Oman.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 26, 2011 (Transmittal Number DDTC 11–011)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to Turkey for the manufacture, assembly, integration, testing, and repair of the Cobra family of ground vehicles in Turkey for delivery to and end-use by the Government of Turkey.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs

June 10, 2011 (Transmittal Number DDTC 11–014)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of technical data and defense services to support the replication of the Have Quick I/II and SATURN Electronic Counter-Counter Measure (ECCM) for integration into Radio Communications equipment in Germany.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 25, 2011 (Transmittal Number DDTC 11–015)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to Italy to support the manufacture, test, repair and maintenance of the G–2000 Dynamically Tuned Gyroscope product family for end use in the Joint Strike Fighter, Turret Stabilization, and ASPIDE and ASTER missile programs.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

June 10, 2011 (Transmittal Number DDTC 11–016)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed technical assistance agreement for the export of defense articles, including technical data, or defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, including technical data, and defense services to support the design, manufacturing and delivery phases of the Amazonas 3 Commercial Communications Satellite Program for Spain.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 26, 2011 (Transmittal Number DDTC 11–017)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed technical assistance agreement for the export of defense articles, including

technical data, or defense services sold commercially under contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, including technical data, and defense services to provide logistics support for the E–676 Airborne Warning and Control System (''AWACS'') AN/APY–2 Radar for end-use by the Japan Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 10, 2011 (Transmittal Number DDTC 11–018)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services abroad in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, technical data, and defense services to Russia for the RD–180 Liquid Propellant Rocket Engine Program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 13, 2011 (Transmittal Number DDTC 11–022)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services for development and support of Data Terminal Equipment for the Bowman ComBat Infrastructure and Platform Battlefield Information System Application (BISA) Program in the United Kingdom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

June 01, 2011 (Transmittal Number DDTC 11–025)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services for the manufacture, test, and delivery of the AN/APG–68(V)9 Antenna LRU, Transmitter LRU, Antenna and Transmitter LRU subassemblies and other Radar Test Equipment for end use by [company name deleted] in the United States for incorporation on the F–16 aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 13, 2011 (Transmittal Number DDTC 11–029)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $25,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, technical data, and defense services to Canada for [company name deleted] APS–508 Radar System for the CP–140 Program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 25, 2011 (Transmittal Number DDTC 11–032)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of technical data and defense services to the Republic of Korea for the manufacture of select F110–GE–129 engine components for end-use by the Republic of Korea Air Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

June 03, 2011 (Transmittal Number DDTC 11–033)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement to include the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Mexico for the manufacturing of the Multiple Integrated Laser Engagement System (MILES) Individual Weapon System (IWS) for shipment back to the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 06, 2011 (Transmittal Number DDTC 11–035)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of technical data and defense services for the manufacture in Canada of M151 Remote Weapons Station components for end use by the Canadian Department of National Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 23, 2011 (Transmittal Number DDTC 11–036)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to support the production and integration of hulls, rolling bodies, suspensions, subsystems and electrical systems for the Merkava Armored Personnel Carrier for end use by the Ministry of Defense of Israel.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

May 26, 2011 (Transmittal Number DDTC 11–038)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of technical data and defense services to support the manufacture, maintenance, repair, and support of Compact Military Laser Designators for end use by the Governments of NATO Member States, Australia and New Zealand.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus

Active Assistance Secretary, Legislative Affairs.

June 03, 2011 (Transmittal Number DDTC 11–044)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Italy to support the Final Assemble and Check-Out Facility (''FACO'') stand-up activities for the F–35 Lightning II program, for end use by the Ministry of Defense of Italy,

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

June 03, 2011 (Transmittal Number DDTC 11–048)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Australia for maintenance, depot level repair, and overhaul services on components of various military fixed and rotary wing aircraft, ships and frigates for end use by the Governments of Australia, Canada, Malaysia, New Zealand, and the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

June 07, 2011 (Transmittal Number DDTC 11–052)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed technical assistance agreement to include the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Singapore for depot repair, overhaul and modification supporting the AH–64 Apache helicopters in the inventory of the Ministry of Defence of Singapore.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

June 03, 2011 (Transmittal Number DDTC 11–053)

The Honorable John A. Boehner, Speaker of the House of Representatives.

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith, certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Japan for the manufacture and modification of Bell 204 (UH–1H)/205B helicopters and spare parts for the Japanese Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Joseph E. Macmanus,

Active Assistance Secretary, Legislative Affairs.

Dated: June 29, 2011.

Robert S. Kovac,

Managing Director, Directorate of Defense Trade Controls, Department of State.

[FR Doc. 2011–17315 Filed 7–8–11; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2011 0078]

Requested Administrative Waiver of the Coastwise Trade Laws

Correction

In notice document 2011–15148 appearing on page 35945 in the issue of June 20, 2011, make the following correction:

On page 35945, in the third column, under the **DATES** heading, the second line ''June 20, 2011.'' should read ''July 20, 2011.''

[FR Doc. C1–2011–15148 Filed 7–8–11; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Entities Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of 2 newly-designated entities whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.''

DATES: The designation by the Director of OFAC of the 2 entities identified in this notice pursuant to Executive Order 13382 is effective on June 23, 2011.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/offices/enforcement/ofac*) or via facsimile through a 24-hour fax-on demand service, tel.: (202) 622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On June 23, 2011, the Director of OFAC, in consultation with the Departments of State, Justice, and other relevant agencies, designated 2 entities whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees is as follows:

Entities:

1. IRAN AIR (a.k.a. AIRLINE OF THE ISLAMIC REPUBLIC OF IRAN (HOMA); a.k.a. HAVAPEYMA MELI IRAN HOMA; a.k.a. HOMA; a.k.a. IRAN AIR CARGO; a.k.a. IRAN AIR P J S C; a.k.a. IRANAIR; a.k.a. IRANAIR CARGO; a.k.a. NATIONAL IRANIAN AIRLINES (HOMA); f.k.a. SHERKAT SAHAMI AAM HAVOPAYMAIE JOMHOURI ISLAMI IRAN), P.O. Box 13185–775, Mehrabad Airport, Tehran, Iran; Flour2, Cargo Building, Terminal 3, Mehrabad Airport, Tehran, Iran; Bimeh Alborz side—2km of karaj special road; Business Registration Document # 8132 (Iran) issued 24 Feb 1961 [NPWMD]

2. IRANAIR TOURS (a.k.a. IRAN AIR TOURS; a.k.a. IRAN AIRTOUR AIRLINE), 187 Mofatteh Cross-Motahari Ave, Tehran 1587997811, Iran; 191 Motah-hari Ave., Dr.

Mofatteh Crossroads, Tehran 15879, Iran; 191–Motahari Ave., Tehran 15897, Iran; 110 Ahmadabad Ave., Between Mohtashami and Edalat Street, Mashhad 9176663479, Iran [NPWMD]

Dated: June 23, 2011.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2011–17332 Filed 7–8–11; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Entities Pursuant to Executive Order 13382 and Information Regarding General License No. 4

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of two newly-designated entities whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters'' and providing information regarding General License No. 4.

DATES: The designation by the Director of OFAC of the two entities identified in this notice pursuant to Executive Order 13382 is effective on June 23, 2011.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treasury.gov/offices/enforcement/ofac*) or via facsimile through a 24-hour fax-on demand service, tel.: (202) 622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On June 23, 2011, the Director of OFAC, in consultation with the Departments of State, Justice, and other relevant agencies, designated two entities whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees is as follows:

Entities:

MEHR–E EQTESAD–E IRANIAN INVESTMENT COMPANY (a.k.a. MEHR EGHTESAD IRANIAN INVESTMENT COMPANY; a.k.a. MEHR IRANIAN ECONOMY COMPANY; a.k.a. MEHR IRANIAN ECONOMY INVESTMENTS; f.k.a. TEJARAT TOSE'E EQTESADI IRANIAN), No. 18, Iranian Building, 14th Alley, Ahmad Qassir Street, Argentina Square, Tehran, Iran; No. 48, 14th Alley, Ahmad Qassir Street, Argentina Square, Tehran, Iran; Business Registration Document # 103222 (Iran); Web site *http://www.mebank.ir;* Telephone: 982188526300; Alt. Telephone: 982188526301; Alt. Telephone: 982188526302; Alt. Telephone: 982188526303; Alt. Telephone: 9821227700019l; Fax: 982188526337; Alt. Fax: 9221227700019 [NPWMD] [IRGC]

TIDEWATER MIDDLE EAST CO. (a.k.a. TIDE WATER COMPANY; a.k.a. TIDE WATER MIDDLE EAST MARINE SERVICE; a.k.a. TIDEWATER CO. (MIDDLE EAST MARINE SERVICES)), No. 80, Tidewater Building, Vozara Street, Next to Saie Park, Tehran, Iran; Business Registration Document # 18745 (Iran); E-mail Address *info@tidewaterco.com;* alt. E-mail Address *info@tidewaterco.ir;* Web site *http://www.tidewaterco.com;* Telephone: 982188553321; Alt. Telephone: 982188554432; Fax: 982188717367; Alt. Fax: 982188708761; Alt. Fax: 982188708911 [NPWMD] [IRGC]

On June 24, 2011, OFAC issued General License No. 4 on its Web site, temporarily authorizing certain transactions involving Tidewater Middle East Company. General License No. 4 expires at 11:59 p.m. Eastern Daylight Time on August 23, 2011. Additional information regarding this general license is available on OFAC's Web site: *http://www.treasury.gov/resource-center/sanctions/programs/pages/wmd.aspx.*

Dated: June 30, 2011.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2011–17334 Filed 7–8–11; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activity; Proposed Collection

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning limitations on corporate net operating loss carryforwards. (§ 1.382–9).

DATES: Written comments should be received on or before September 9, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Limitations on Corporate Net Operating Loss Carryforwards.

OMB Number: 1545–1275.

Regulation Project Number: CO–45–91.

Abstract: Sections 1.382–9(d)(2)(iii) and (d)(4)(iv) of the regulation allow a loss corporation to rely on a statement by beneficial owners of indebtedness in determining whether the loss corporation qualifies for the benefits of Internal Revenue Code section 382(1)(5). Regulation section 1.382–9(d)(6)(ii) requires a loss corporation to file an election if it wants to apply the regulation retroactively, or revoke a prior Code section 382(1)(6) election.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 650.

Estimated Time per Respondent: The estimated annual time per respondent with respect to the §§ 1.382–9(d)(2)(iii) and (d)(4)(iv) statements is 15 minutes. The estimated annual time per respondent with respect to the § 1.382–9(d)(6)(ii) election is 1 hour.

Estimated Total Annual Burden Hours: 200 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 27, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–17222 Filed 7–8–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8621

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8621, Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.

DATES: Written comments should be received on or before September 9, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Return by a Shareholder of a Passive Foreign Investment Company or Qualified Electing Fund.

OMB Number: 1545–1002.

Form Number: 8621.

Abstract: Form 8621 is filed by a U.S. shareholder who owns stock in a foreign investment company. The form is used to report income, make an election to extend the time for payment of tax, and to pay an additional tax and interest amount. The IRS uses Form 8621 to determine if these shareholders have correctly reported amounts of income, made the election correctly, and have correctly computed the additional tax and interest amount.

Current Actions: Changes have been made to the form to comply with regulations. Taxpayers can now indicate, in Part I, a timely deemed dividend election with respect to a Section 1297(e) PFIC or former PFIC. Part III of the form is being modified to enable the reporting of dispositions of section 1296 stock during the tax year. The result of these changes will increase the total burden by 20,169 hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profit organizations and individuals.

Estimated Number of Respondents: 1,333.

Estimated Time per Respondent: 46 hr. 38 min.

Estimated Total Annual Burden Hours: 62,172.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 27, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–17224 Filed 7–8–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8858 and Sch. M

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8858, Information Return of U.S. Persons With Respect to Foreign Disregarded Entities, and Schedule M, Transaction Between Foreign Disregarded Entity of a Foreign Tax Owner and the Filer on Other Related Entities.

DATES: Written comments should be received on or before September 9, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to R. Joseph Durbala, (202) 622–3634, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Return of U.S. Persons With Respect To Foreign Disregarded Entities (Form 8858), and Transaction Between Foreign Disregarded Entity of a Foreign Tax Owner and the Filer on Other Related Entities (Schedule M).

OMB Number: 1545–1910.

Form Number: Form 8858 and Schedule M.

Abstract: Form 8858 and Schedule M are used by certain U.S. persons that own a foreign disregarded entity (FDE) directly or, in certain circumstances, indirectly or constructively.

Current Actions: There are no changes being made to the burden at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other-for-profit organizations, and individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 51 hours, 30 minutes.

Estimated Total Annual Burden Hours: 1,832,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 27, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–17236 Filed 7–8–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activity; Proposed Collection

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning disclosure of tax return information for purposes of quality or peer reviews, disclosure of tax return information due to incapacity or death of tax return preparer (§ 301.7216–2(o)).

DATES: Written comments should be received on or before September 9, 2011 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews, Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer.

OMB Number: 1545–1209.

Regulation Project Number: IA–83–90 (TD 8383—final).

Abstract: These regulations govern the circumstances under which tax return information may be disclosed for purposes of conducting quality or peer reviews, and disclosures that are necessary because of the tax return preparer's death or incapacity.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 250,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 250,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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Approved: June 27, 2011.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2011–17226 Filed 7–8–11; 8:45 am]

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Airport and Airway Extension Act of 2011, Part III (June 29, 2011; 125 Stat. 233)

S. 349/P.L. 112–22

To designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''. (June 29, 2011; 125 Stat. 236)

S. 655/P.L. 112–23

To designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office''. (June 29, 2011; 125 Stat. 237)

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