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

WHO: Sponsored by the Office of the Federal Register.

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

WHEN: Tuesday, November 9, 2010
9 a.m.–12:30 p.m.

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

RESERVATIONS: (202) 741–6008

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

Federal Register
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Tuesday, October 12, 2010

Presidential Documents

Title 3—

The President

Proclamation 8578 of October 4, 2010

Child Health Day, 2010

By the President of the United States of America

A Proclamation

The health and well-being of a child is one of our most challenging, yet important, responsibilities, and we have an obligation to ensure that all our children can live, learn, and play in safe and healthy environments. On Child Health Day, we reaffirm the critical importance of the quality health care, nutritious foods, clean air and water, and safe communities our kids need to grow into strong and active adults.

Parents and other caregivers set an example of healthy living and lay the foundation for our children's success. Whether providing nourishing meals, attending regular check-ups, or encouraging outside activity, they teach the habits and values for mental and physical well-being that last a lifetime. However, the charge to protect the health of our young people extends beyond the home to our classrooms, playgrounds, and hospitals around the country.

Today, our children face a new public health crisis we must address as a Nation, and we all have a role to play. In the last three decades, childhood obesity rates have tripled, and this epidemic threatens many young Americans, leaving them at risk for severe and chronic health problems, including heart disease, diabetes, and cancer. My Administration is committed to solving the childhood obesity epidemic within a generation, and earlier this year I created a Task Force on Childhood Obesity to examine interagency solutions and develop clear, concrete steps on how to address this national health crisis. Along with the Task Force, First Lady Michelle Obama's "Let's Move!" initiative empowers parents and caregivers to help their kids maintain a healthy weight and make healthy choices for their families. "Let's Move!" also encourages young people to choose wholesome foods, increase their physical activity, and develop life-long healthy habits. Child care providers and schools also have an important part in strengthening health and physical education programs and providing nutritious foods in cafeterias and vending areas.

In America, no parent should have to agonize over finding or affording health care for their child. To address this, the Affordable Care Act guarantees that children are eligible for health coverage regardless of any pre-existing condition. This landmark law extends the Children's Health Insurance Program, and requires basic dental and vision coverage for children under all health plans offered in the new health insurance exchanges beginning in 2014. It also expands our health care workforce, including increasing the number of primary care providers who treat children; forbids insurance companies from dropping coverage if a child or family member gets sick; and helps ensure access to free preventive services. As we mark these successes and the beginning of a new chapter in American health care this year, we also celebrate the 75th anniversary of the Social Security Act—including title V of this milestone legislation, which supports maternal and child health programs and services across the country.

Parents also should not have to worry about whether the conditions in which their children grow and play are unsafe or unclean. Prenatal and early-life exposures to allergens and environmental contaminants may

have detrimental lifelong effects. We must take action for our children's and grandchildren's sake, and we must work together to reduce risks from environmental exposure at home, school, and play areas. Through coordinated efforts like that of the President's Task Force on Environmental Health Risks and Safety Risks to Children, my Administration will continue to empower Federal interagency collaboration to help ensure healthy homes and communities exist for our children.

Children are our most precious resource. They are our joy in the present, and our hope for the future. As loved ones and educators, mentors and friends, we must do everything in our power to protect the health and well-being of our Nation's children and the promise of their futures.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Monday, October 4, 2010, as Child Health Day. I call upon families, child health professionals, faith-based and community organizations, and all levels of government to help ensure that America's children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–25682
Filed 10–8–10; 8:45 am]
Billing code 3195–W1–P

Presidential Documents

Proclamation 8579 of October 6, 2010

National Physician Assistants Week, 2010

By the President of the United States of America

A Proclamation

In communities across our Nation, physician assistants serve tirelessly everyday to care for Americans and fulfill a critical function in our health care system. They provide important medical attention and treatment to patients and their loved ones, and can be the principal care provider in rural or inner-city clinics, and other settings with provider shortages. During National Physician Assistants Week, we honor these dedicated medical professionals and their essential role in providing diagnostic, therapeutic, and preventive health care services to millions of American men, women, and children.

With compassion matched by professionalism, physician assistants work as part of a team to provide vital support to both patients in need and the doctors who balance the care of many individuals. Recognizing their essential function in our medical system, we allocated more than $30 million from the Prevention and Public Health Fund under the Affordable Care Act to expand the Physician Assistant Training Program, and to increase the number of physician assistants in primary care over the next 5 years. Primary care is the foundation of preventive health care, and we must support the training of hundreds of new physician assistants who can join the medical field and increase access to providers and services in underserved areas. Our Nation needs a strong primary care workforce and the continued dedication of physician assistants in our hospitals, clinics, and medical offices to address the crucial health issues of our time.

Countless American families have relied on the skill, concern, and commitment of physician assistants, in both joyous times and heart-wrenching circumstances. As we recognize their countless contributions this week, we also pay tribute to the kind and meticulous care provided by all of America's medical professionals. Our Nation is stronger because of these invaluable workers, and their efforts safeguard a healthy future for all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6 through October 12, 2010, as National Physician Assistants Week. I call upon all Americans to observe this week with appropriate ceremonies, activities, and programs that honor and foster appreciation for our physician assistants and all medical professionals.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–25706
Filed 10–8–10; 8:45 am]
Billing code 3195–W1–P

Presidential Documents

Proclamation 8580 of October 6, 2010

German-American Day, 2010

By the President of the United States of America

A Proclamation

The American story has been written by those who have come to our shores in search of freedom, opportunity, and the chance at a better life. The German men and women who braved numerous perils to cross the Atlantic long ago left a legacy of millions of Americans of German ancestry who have been an integral part of our national life. On German-American Day, we pay tribute to the role this community has played in shaping America and contributing to our progress and prosperity.

On October 6, 1683, 13 courageous German families arrived in Pennsylvania to start a new life. They began a chapter in the American narrative that has influenced our country in all walks of life, and their resolve lives on in the men, women, and families of German descent who enhance civic engagement, steer our industries, and fortify our Nation's character. With their dedication and determination, the United States has been a leader in ingenuity and entrepreneurship, and has delivered a message of hope and opportunity that resonates around the world. Today, German Americans innovate and excel as leaders in all sectors of our society.

On this occasion, we honor not only the countless achievements and rich heritage of German Americans, but also the strong ties between Germany and the United States. Our two nations share unbreakable bonds as allies with solemn obligations to one another's security; values that inspired those brave settlers four centuries ago; and a vision for a safer, freer, more peaceful, more prosperous world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2010, as German-American Day. I encourage all Americans to learn more about the history of German Americans and reflect on the many contributions they have made to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–25721
Filed 10–8–10; 8:45 am]
Billing code 3195–W1–P

Rules and Regulations

Federal Register
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Tuesday, October 12, 2010

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2010–0022]

RIN 0579–AD14

Importation of Fresh Unshu Oranges From the Republic of Korea Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning the importation of citrus fruit to remove certain restrictions on the importation of Unshu oranges from the Republic of Korea that are no longer necessary. Specifically, we are removing requirements for the fruit to be grown in specified canker-free export areas and for joint inspection in the groves and packinghouses by the Government of the Republic of Korea and the Animal and Plant Health Inspection Service. We are also amending the regulations to clarify that surface sterilization of the fruit must be conducted in accordance with 7 CFR part 305 and to expand the area in the continental United States where Unshu oranges from the Republic of Korea may be distributed. Finally, we are requiring that each shipment be accompanied by a phytosanitary certificate containing an additional declaration stating that the fruit was given the required surface sterilization and inspected and found free of *Elsinoe australis.* These changes will make the regulations concerning the importation of Unshu oranges from the Republic of Korea consistent with our domestic regulations concerning the interstate movement of citrus fruit from areas quarantined because of citrus canker.

DATES: *Effective Date:* November 12, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith C. Jones, Regulatory Coordination Specialist, Regulations, Permits, and Manuals, PPQ, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737; (301) 734–7467.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 319.28 govern the importation of citrus fruit into the United States. These regulations are intended to prevent the introduction of citrus canker, among other citrus diseases and pests, into the United States via the importation of citrus from affected foreign regions. Citrus canker is a disease that affects citrus and is caused by the infectious bacterium *Xanthomonas citri* subsp. *citri.*

On June 8, 2010, we published in the **Federal Register** (75 FR 32310–32313, Docket No. APHIS–2010–0022) a proposal[1] to amend the regulations concerning the importation of citrus fruit to remove certain restrictions on the importation of Unshu oranges from the Republic of Korea (South Korea) that were no longer necessary. Specifically, we proposed to remove requirements for the fruit to be grown in specified canker-free export areas and for joint inspection in the groves and packinghouses by the Government of the Republic of Korea and the Animal and Plant Health Inspection Service. We also proposed to clarify that surface sterilization of the fruit must be conducted in accordance with 7 CFR part 305 and to expand the area in the continental United States where Unshu oranges from the Republic of Korea could be distributed. Finally, we proposed to require that each shipment be accompanied by a phytosanitary certificate containing an additional declaration stating that the fruit was given the required surface sterilization and inspected and found free of *Elsinoe australis,* the fungus that is the causal agent of sweet orange scab. (In addition to citrus canker, sweet orange scab was identified by the pest risk analysis that provided the basis for the June 2010 proposed rule as a quarantine pest requiring specific mitigation measures in order to ensure the safe importation of Unshu oranges from South Korea.) These proposed changes were necessary to make the regulations concerning the importation of Unshu oranges from the Republic of Korea consistent with our domestic regulations concerning the interstate movement of citrus fruit from areas quarantined because of citrus canker.

We solicited comments concerning our proposal for 60 days ending August 9, 2010. We received two comments by that date. They were from members of the general public. Both commenters supported the proposed rule.

One of the commenters, however, did ask if there had been testing conducted to determine whether the Unshu oranges were affected by *Elsinoe australis.*

While *Elsinoe australis* infects many species of citrus, including sweet orange, mandarin orange, tangerine, lemon, and lime, at this time, we have no evidence that it attacks Unshu oranges. Pending definitive evidence that Unshu variety oranges are not affected by sweet orange scab, however, we will continue to apply measures to mitigate the risk that *Elsinoe australis* might follow the pathway of Unshu oranges from South Korea.

The same commenter asked what regulations and sanitation guidelines have been put in place to prevent the entry of *Elsinoe australis* into the United States.

As noted in the June 2010 proposed rule and the accompanying risk management document, risk management measures that will be employed for Unshu oranges imported into the United States from South Korea under this rulemaking include surface sterilization of the oranges prior to packing, registration of packinghouses with the national plant protection organization of South Korea, and the requirement that each shipment be accompanied by a phytosanitary certificate stating that the fruit was given the required surface sterilization and was inspected and found free of *Elsinoe australis.* We consider visual inspection by the national plant protection organization of South Korea of Unshu oranges for symptoms of sweet orange scab prior to export to be an effective mitigation measure against the spread of that disease to the U.S. citrus crop because the symptoms can be

[1] To view the proposed rule and the comments we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0022.*

detected if present, and if the symptoms are not present, the Unshu oranges are unlikely to be a pathway for sweet orange scab.

Finally, the same commenter asked what could be done to kill *Elsinoe australis* or prevent it from spreading if it were introduced into the United States.

On August 23, 2010, we announced that sweet orange scab had been detected in citrus trees on residential properties in two Texas counties and one parish in Louisiana. We have established a technical working group of subject matter experts to discuss survey and control strategies in response to sweet orange scab. This group will recommend specific mitigation strategies. In countries where sweet orange scab has been endemic in production areas, producers have been able to control the pest and minimize its effects through properly timed fungicide applications. It is likely that such fungicide applications could be employed domestically as well.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available on the Regulations.gov Web site (*see* footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

This rule removes certain restrictions on the importation of Unshu oranges from South Korea that are no longer necessary and expands the area in the continental United States where Unshus from South Korea may be distributed.

The impact of Unshu orange imports from South Korea is expected to be minimal for U.S. domestic producers. The United States does not commercially produce Unshu oranges, and price differences suggest that they are not a close substitute for U.S.-grown mandarin varieties, such as tangerines. Effects of the rule in terms of product displacement may be borne by Japanese exporters, since Japan is currently the other major supplier of Unshu oranges to the United States.

Even if all Unshu orange imports from South Korea were to directly replace a portion of U.S.-grown tangerine consumption, the effect on U.S. producers would be still insignificant. Under such a scenario, annual imports of Unshu oranges from South Korea of 2,000 metric tons (the upper limit of the projected range of imports, well surpassing the peak import volume of 1,611 metric tons recorded in 2002) will displace only 0.6 percent of fresh tangerines produced by U.S. operations in 2008–2009. Even a small impact such as this for U.S. producers is highly unlikely.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule allows Unshu oranges to be imported into the United States from the Republic of Korea. State and local laws and regulations regarding Unshu oranges imported under this rule will be preempted while the fruit is in foreign commerce. Fresh Unshu oranges are generally imported for immediate distribution and sale to the consuming public, and remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

■ Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.28 is amended by revising paragraphs (b) and (c) to read as follows:

§ 319.28 Notice of quarantine.

* * * * *

(b) *Unshu oranges from Japan.* The prohibition does not apply to Unshu oranges (*Citrus reticulata* Blanco var. *unshu,* Swingle [*Citrus unshiu* Marcovitch, Tanaka]), also known as Satsuma mandarin, grown in Japan and imported under permit into any area of the United States except for those areas specified in paragraph (b)(7) of this section: *Provided,* that each of the following safeguards is fully carried out:

(1) The Unshu oranges must be grown and packed in isolated, canker-free export areas established by the plant protection service of Japan. Only Unshu orange trees may be grown in these areas, which must be kept free of all citrus other than the propagative material of Unshu oranges. The export areas must be inspected and found free of citrus canker and prohibited plant material by qualified plant protection officers of both Japan and the United States. The export areas must be surrounded by 400-meter-wide buffer zones. The buffer zones must be kept free of all citrus other than the following 10 varieties: Buntan Hirado (*Citrus grandis*); Buntan Vietnam (*C. grandis*); Hassaku (*C. hassaku*); Hyuganatsu (*C. tamurana*); Kinkan (*Fortunella* spp. non *Fortunella hindsii*); Kiyomi tangor (hybrid); Orange Hyuga (*C. tamurana*); Ponkan (*C. reticulata*); Unshu (*C.* unshiu Marcovitch, Tanaka [*Citrus reticulata* Blanco var. *unshu,* Swingle]); and Yuzu (*C. junos*). The buffer zones must be inspected and found free of citrus canker and prohibited plant material by qualified plant protection officers of both Japan and the United States.

(2) In Unshu orange export areas and buffer zones on Kyushu Island, Japan, trapping for the citrus fruit fly (*Bactrocera tsuneonis*) must be conducted as prescribed by the Japanese Government's Ministry of Agriculture, Forestry, and Fisheries and the U.S. Department of Agriculture. If fruit flies are detected, then shipping will be suspended from the export area until negative trapping shows the problem has been resolved.

(3) Inspection of the Unshu oranges shall be performed jointly by plant protection officers of Japan and the United States in the groves prior to and during harvest, and in the packinghouses during packing operations.

(4) Before packing, such oranges shall be given a surface sterilization as

prescribed by the U.S. Department of Agriculture.

(5) To be eligible for importation into Arizona, California, Florida, Hawaii, Louisiana, or Texas, each shipment of oranges grown on Honshu Island or Shikoku Island, Japan, must be fumigated with methyl bromide in accordance with part 305 of this chapter after harvest and prior to exportation to the United States. Fumigation will not be required for shipments of oranges grown on Honshu Island or Shikoku Island, Japan, that are to be imported into States other than Arizona, California, Florida, Hawaii, Louisiana, or Texas.

(6) The identity of the fruit shall be maintained in the following manner:

(i) The individual boxes in which the oranges are shipped must be stamped or printed with a statement specifying the States into which the Unshu oranges may be imported, and from which they are prohibited removal under a Federal plant quarantine.

(ii) Each shipment of oranges handled in accordance with these procedures shall be accompanied by a certificate of the plant protection service of Japan certifying that the fruit is apparently free of citrus canker disease.

(7) The Unshu oranges may be imported into the United States only through a port of entry identified in § 319.37–14 that is located in an area of the United States into which their importation is authorized. The following importation restrictions apply:

(i) Unshu oranges from Honshu Island or Shikoku Island, Japan, that have been fumigated in accordance with part 305 of this chapter may be imported into any area of the United States except American Samoa, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

(ii) Unshu oranges from Honshu Island or Shikoku Island, Japan, and from Kyushu Island, Japan (Prefectures of Fukuoka, Kumanmoto, Nagasaki, and Saga only), that have not been fumigated in accordance with part 305 of this chapter may be imported into any area of the United States except American Samoa, Arizona, California, Florida, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the U.S. Virgin Islands.

(c) *Unshu oranges from the Republic of Korea.* The prohibition does not apply to Unshu oranges (*Citrus reticulata* Blanco var. *unshu,* Swingle [*Citrus unshiu* Marcovitch, Tanaka]), also known as Satsuma mandarin, grown on Cheju Island, Republic of Korea, and imported under permit into any area of the United States except for those specified in paragraph (c)(4) of this section, *Provided,* that each of the following safeguards is fully carried out:

(1) Before packing, such oranges shall be given a surface sterilization in accordance with part 305 of this chapter.

(2) The packinghouse in which the surface sterilization treatment is applied and the fruit is packed must be registered with the national plant protection organization of the Republic of Korea.

(3) The Unshu oranges must be accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of Korea, which includes an additional declaration stating that the fruit was given a surface sterilization in accordance with 7 CFR part 305 and was inspected and found free of *Elsinoe australis.*

(4) The Unshu oranges may be imported into any area of the United States except American Samoa, Hawaii, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

* * * * *

Done in Washington, DC, this 5th day of October 2010.

Gregory Parham,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–25570 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0354 Airspace Docket No. 10–AAL–10]

Establishment of Class E Airspace; Port Clarence, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Port Clarence Coast Guard Station (CGS), AK. The United States Coast Guard operates this airstrip and has developed a military-use instrument approach procedure. This instrument approach procedure at the Port Clarence CGS Airport has made this action necessary to enhance safety by establishing Class E airspace for air traffic management of Instrument Flight Rules (IFR) operations.

DATES: Effective 0901 UTC, January 13, 2011. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Derril Bergt, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–2796; fax: (907) 271–2850; email: *derril.bergt@faa.gov.* Internet address: *http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.*

SUPPLEMENTARY INFORMATION:

History

On Thursday, June 17, 2010, the FAA published a notice of proposed rulemaking in the **Federal Register** to establish Class E airspace at Port Clarence, AK (75 FR 34393).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. The rule is adopted as proposed.

The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9U, *Airspace Designations and Reporting Points,* 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.

This final rule also updates the coordinate of longitude that was published in the notice of proposed rulemaking. The establishment of an instrument approach procedure necessitated a more accurate survey and the corrected coordinate is based on this more recent data. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace to accommodate a new military-use special instrument approach procedure at Port Clarence CGS Airport, Port Clarence, AK. This Class E airspace will provide adequate controlled airspace upward from 700 feet and 1,200 feet above the surface for the safety and management of IFR operations at Port Clarence CGS Airport. The 1,200 foot controlled airspace will extend into the Norton Sound Low Offshore Airspace Area and

that airspace will be redefined in a future Offshore Airspace action.

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. Because this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Port Clarence CGS Airport and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of 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 Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AAL AK E5 Port Clarence, AK [New]

Port Clarence CGS Airport, AK
(Lat. 65°15′13″ N., long. 166°51′28″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Port Clarence CGS Airport, AK, and within 1.5 miles either side of the 180° bearing from the Port Clarence CGS Airport, extending from the 6.4-mile radius to 13.2 miles south of the Port Clarence CGS Airport; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Port Clarence CGS Airport, AK, excluding that portion extending outside the Anchorage Arctic CTA/FIR boundary.

Issued in Anchorage, AK, on September 16, 2010.

Michael A. Tarr,

Manager, Alaska Flight Services Information Area Group.

[FR Doc. 2010–25479 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0588 Airspace Docket No. 10–AAL–16]

Revision of Class E Airspace; Tanana, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Tanana, AK. The amendment of Standard Instrument Approach Procedures (SIAPs) at Ralph M. Calhoun Memorial Airport has made this action necessary to enhance safety by ensuring that sufficient airspace exists for air traffic management of Instrument Flight Rules (IFR) operations.

DATES: Effective 0901 UTC, November 18, 2010. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Martha Dunn, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; *fax:* (907) 271–2850; *e-mail: martha.ctr.dunn@faa.gov.* Internet address: *http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.*

SUPPLEMENTARY INFORMATION:

History

On Tuesday, July 6, 2010, the FAA published a notice of proposed rulemaking in the **Federal Register** to revise Class E airspace at the Ralph M. Calhoun Memorial Airport, Tanana, AK (75 FR 38753).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received.

The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9U, *Airspace Designations and Reporting Points,* 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 revising Class E airspace at Ralph M. Calhoun Memorial Airport, in Tanana, AK, to accommodate amended SIAPs at Ralph M. Calhoun Memorial Airport. This Class E airspace provides adequate controlled airspace upward from 700 feet and 1,200 feet above the surface for the safety of IFR operations at Ralph M. Calhoun Memorial Airport by ensuring that Class E airspace is sufficient for management of air traffic.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Because this is a routine matter that will

only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it revises Class E airspace at Ralph M. Calhoun Memorial Airport, Tanana, AK, and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of 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 Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AAL AK E5 Tanana, AK [Revised]

Ralph M. Calhoun Memorial Airport, AK
(Lat. 65°10′28″ N., long. 152°06′34″ W.)
Tanana VOR/DME
(Lat. 65°10′38″ N., long. 152°10′39″ W.)
Bear Creek NDB
(Lat. 65°10′26″ N., long. 152°12′22″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Ralph M. Calhoun Memorial Airport, AK, and within 4 miles north and 8 miles south of the 250° bearing from the Bear Creek NDB extending from the Bear Creek NDB to 16 miles west of the Bear Creek NDB, and within 1.4 miles north of the Tanana VOR/DME 276° radial extending from the 6.4-mile radius to 8.8 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Ralph M. Calhoun Memorial Airport, AK.

Issued in Anchorage, AK, on September 30. 2010.

Michael A. Tarr,

Manager, Alaska Flight Services Information Area Group.

[FR Doc. 2010–25480 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0119 Airspace Docket No. 10–AAL–6]

Revision of Class E Airspace; Unalakleet, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Unalakleet, AK. The amendment and development of two (each) Standard Instrument Approach Procedures (SIAPs), and the development of one Obstacle Departure Procedure (ODP) at the Unalakleet Airport have made this action necessary to enhance safety by ensuring that sufficient Class E airspace exists for air traffic management of Instrument Flight Rules (IFR) operations.

DATES: Effective 0901 UTC, January 13, 2011. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Derril Bergt, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–2796; fax: (907) 271–2850; email: *derril.bergt@faa.gov.* Internet address: *http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.*

SUPPLEMENTARY INFORMATION:

History

On Thursday, June 10, 2010, the FAA published a notice of proposed rulemaking in the **Federal Register** to revise Class E airspace at Unalakleet, AK (75 FR 32865).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received.

There was an error in the notice of proposed rulemaking regarding the E5 airspace coordinates for the Unalakleet VOR/DME. This error has been corrected in the final rule. The coordinates for the Unalakleet airport have been updated from those used in previous airspace revisions made in 1996 and 1998 as a result of more accurate survey data now available. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM.

The Class E airspace areas designated as a surface area for an airport are published in paragraph 6002 of FAA Order 7400.9U, *Airspace Designations and Reporting Points,* dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 of FAA Order 7400.9U, *Airspace Designations and Reporting Points,* 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 enlarging Class E5 airspace at the Unalakleet Airport, Unalakleet, AK, to accommodate a new departure procedure, and 2 new and amended SIAPs at Unalakleet Airport. The new SIAPs and the amendments to existing SIAPs require that the orientation and dimensions of Class E airspace be revised for the safety and efficiency of management of air IFR traffic.

The revised Class E airspace provides adequate controlled airspace upward from the surface, and from 700 and 1,200 feet above the surface for the safety of IFR operations at Unalakleet Airport by ensuring that Class E airspace is sufficient for management of air traffic.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Unalakleet Airport, Unalakleet, Alaska, and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AAL AK E2 Unalakleet, AK [Revised]

Unalakleet Airport, AK
(Lat. 63°53′19″ N., long. 160°47′57″ W.)
Unalakleet Localizer
(Lat. 63°52′52″ N., long. 160°47′42″ W.)

Within a 4.2-mile radius of the Unalakleet Airport, AK, and within 3.2 miles each side of the Unalakleet Localizer front course, extending from the 4.2-mile radius to 12.6 miles northwest of the Unalakleet Airport, AK. This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Supplement Alaska (Airport/Facility Directory).

* * * * *

Paragraph 6005 Class E Airspace Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AAL AK E5 Unalakleet, AK [Revised]

Unalakleet Airport, AK
(Lat. 63°53′19″ N., long. 160°47′57″ W.)
Unalakleet Localizer
(Lat. 63°52′52″ N., long. 160°47′42″ W.)
Unalakleet VOR/DME
(Lat. 63°53′31″ N., long. 160°41′04″ W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of the Unalakleet Airport, AK, and within 3.8 miles either side of the 289° radial of the Unalakleet VOR/DME, extending from the 7.3-mile radius to 15.4 miles west of the Unalakleet VOR/DME, and within 3.6 miles either side of the Unalakleet Localizer front course, extending from the 7.3-mile radius to 13.6 miles northwest of the Unalakleet Airport; and that airspace extending upward from 1,200 feet above the surface within a 74-mile radius of the Unalakleet Airport, AK.

Issued in Anchorage, AK, on September 30, 2010.

Michael A. Tarr,

Manager, Alaska Flight Services Information Area Group.

[FR Doc. 2010–25478 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0445; Airspace Docket No. 10–AAL–13]

Revocation and Establishment of Class E Airspace; Northeast Alaska, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes redundant Class E airspace in Northeast Alaska and establishes Class E airspace near Eagle, Alaska. The recent removal of a Colored Federal Airway near Kaktovik, AK, duplication of controlled airspace near Mentasta Lake, AK, and the establishment of one Special Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) at Eagle Airport, AK, have made these actions necessary to enhance safety by ensuring that sufficient airspace exists for the management of Instrument Flight Rules (IFR) operations.

DATES: Effective 0901 UTC, January 13, 2011. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Derril Bergt, AAL–BAL, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–2796; fax: (907) 271–2850; e-mail: *derril.bergt@faa.gov.* Internet address: *http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.*

SUPPLEMENTARY INFORMATION:

History

On Wednesday, June 2, 2010, the FAA published a notice of proposed rulemaking in the **Federal Register** to remove some Class E airspace in Northeast Alaska and establish other Class E airspace near the Eagle Airport, Eagle, AK (75 FR 30746). The proposal did not fully explain why the Class E6 area associated with Barter Island, AK was being removed. The Barter Island Non-directional radio beacon (NDB) is scheduled for decommissioning. The current airspace description is defined by the Barter Island NDB, which is no longer in service. Additionally, recent Area Navigation routes charted to/from

the Barter Island area establish sufficient new Class E airspace to conduct IFR operations and therefore make the existing airspace unnecessary. Additionally, a typographical error (boundary coordinate) was noted in the NPRM airspace description and has been corrected in the final rule. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received.

The Class E airspace areas designated as En Route Domestic Airspace Areas are published in paragraph 6006 of FAA Order 7400.9U, *Airspace Designations and Reporting Points,* 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 revising Class E airspace in Northeast Alaska and establishing Class E airspace to accommodate enroute traffic to a new Special RNAV SIAP, and a new obstacle departure procedure (ODP) at the Eagle Airport, Eagle, AK. This Class E6 airspace will provide adequate controlled airspace upward from 1,200 feet above the surface for safety and management of commercial IFR operations in Northeast Alaska. Air carriers providing service to Eagle, AK, must currently operate under Visual Flight Rules (VFR). With the establishment of an instrument approach at Eagle Airport, the uncontrolled airspace must be converted into controlled airspace. The airspace required to provide for the safety and management of IFR operations at Eagle Airport is designated as E6 Enroute Domestic Airspace and is established by this rule.

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. Because this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 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 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it revokes Class E airspace in Northeast Alaska, establishes Class E airspace to allow IFR access at Eagle Airport, Eagle, AK, and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of 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 6006 En Route Domestic Airspace Areas.

* * * * *

AAL AK E6 Northeast, AK [New]

That airspace extending upward from 1,200 feet above the surface within an area beginning at lat. 63°55′00″ N. long. 141°00′00″ W., then westward along a line of latitude to lat. 63°55′00″ N. long 144°00′00″ W., to lat. 65°30′00″ N. long 144°00′00″ W., then eastward along a line of latitude to lat. 65°30′00″ N. 141°00′00″ W., to the point of beginning.

* * * * *

AAL AK E6 Barter Island, AK [Removed]

* * * * *

AAL AK E6 Mentasta Lake/Mountains Area, AK [Removed]

Issued in Anchorage, AK, on September 29, 2010.

Michael A. Tarr,

Manager, Alaska Flight Services Information Area Group.

[FR Doc. 2010–25481 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0660; Airspace Docket No. 10–ANM–4]

Revocation and Establishment of Class E Airspace; St. George, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will remove Class E airspace at St. George, UT, as the airport will be closing, eliminating the need for controlled airspace. This action will establish Class E airspace for the new St. George Municipal Airport located to the south of the original airport. Controlled airspace is necessary to accommodate aircraft using a new Area Navigation (RNAV) Global Positioning System (GPS), VHF Omni-Directional Radio Range/Distance Measuring Equipment (VOR/DME), Localizer Type Directional Aid/Distance Measuring Equipment (LDA/DME) Standard Instrument Approach Procedures (SIAPs) at the new airport. This will improve the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective date, 0901 UTC, January 13, 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: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

History

On July 29, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking to remove and establish controlled airspace at St. George Municipal Airport, St. George, UT (75 FR 44727). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA found the controlled airspace area extending upward from 700 feet AGL was more than was needed for the SIAP, and modified portions for the VOR/DME SIAP by reducing the amount of airspace originally stated, thus better serving the aviation needs at the new airport. This action will make the changes. With the exception of editorial changes, and the changes described above, this rule is the same as that proposed in the NPRM.

Class E airspace designations are published in paragraph 6002 and 6005, respectively, 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 that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by removing Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface, at St. George Municipal Airport, St. George, UT, as the airport is closing and relocating south of the existing airport. This action will establish Class E surface airspace and Class E airspace extending upward from 700 feet above the surface at the new St. George Municipal Airport location to accommodate IFR aircraft executing new RNAV (GPS), VOR/DME and LDA/DME SIAPs at the airport. The description for the airport's Class E airspace extending upward from 700 feet above the surface will correctly show the airspace needed for the VOR/DME SIAP. This action is necessary for the safety and management of IFR operations.

The FAA has determined 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 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 discusses the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at St. George Municipal Airport, St. George, UT.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

ANM UT E2 St. George, UT [Removed]

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

* * * * *

ANM UT E5 St. George, UT [Removed]

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

ANM UT E2 St. George, UT [New]

St. George Municipal Airport, UT
(Lat. 37°02′11″ N., long. 113°30′37″ W.)

Within a 4.5-mile radius of St. George Municipal Airport. This Class E airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

* * * * *

ANM UT E5 St. George, UT [New]

St. George Municipal Airport, UT
(Lat. 37°02′11″ N., long. 113°30′37″ W.)

That airspace extending upward from 700 feet above the surface within a 8.1-mile radius of the St. George Municipal Airport, and within 4 miles each side of the 030° bearing of St. George Municipal Airport, extending from the 8.1-mile radius to 25.8 miles northeast of the St. George Municipal Airport, and within 4 miles each side of the 200° bearing of the St. George Municipal Airport, extending from the 8.1-mile radius to 20 miles southwest of the St. George Municipal Airport; and that airspace extending upward from 1,200 feet above the surface within the 30-mile radius of lat. 36°48′52″ N., long. 113°29′24″ W., extending clockwise from the 030° bearing to the 360° bearing, thence from the 360° bearing 30-mile radius to lat. 37°31′02″ N., long. 113°21′25″ W., to lat. 37°23′09″ N., long. 113°04′34″ W., thence to the 030° bearing 30-mile radius.

Issued in Seattle, Washington, on October 1, 2010.

John Warner,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2010–25482 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 748

[Docket No. 100727314–0350–01]

RIN 0694–AE95

Additions to the List of Validated End-Users in the People's Republic of China: Hynix Semiconductor China Ltd., Hynix Semiconductor (Wuxi) Ltd. and Lam Research Corporation

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Industry and Security amends the Export Administration Regulations (EAR) to add three end-users, Hynix Semiconductor (China) Ltd., Hynix Semiconductor (Wuxi) Ltd. and Lam Research Corporation to the list of validated end-users in the People's Republic of China (PRC). With this rule, exports, reexports and transfers (in-country) of certain items to one facility of Hynix Semiconductor (China) Ltd., one facility of Hynix Semiconductor (Wuxi) Ltd. and nine facilities of Lam Research Corporation in the PRC are now authorized under Authorization Validated End-User (VEU).

DATES: This rule is effective October 12, 2010. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

ADDRESSES: You may submit comments, identified by RIN 0694–AE95, by any of the following methods:

E-mail: publiccomments@bis.doc.gov Include "RIN 0694–AE95" in the subject line of the message.

Fax: (202) 482–3355. Please alert the Regulatory Policy Division, by calling (202) 482–2440, if you are faxing comments.

Mail or Hand Delivery/Courier: Sheila Quarterman, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th Street & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, Attn: RIN 0694–AE 95.

Send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to *Jasmeet_K._Seehra@omb.eop.gov* or by fax to (202) 395–7285. Comments on this collection of information should be submitted separately from comments on the final rule (*i.e.,* RIN 0694–AE95)—all comments on the latter should be submitted by one of the three methods outlined above.

FOR FURTHER INFORMATION CONTACT: Karen Nies-Vogel, Chairman, End-User Review Committee, Bureau of Industry and Security, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230; by telephone (202) 482–3811, or by e-mail to *kniesv@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Authorization Validated End-User (VEU): The List of Approved End-Users, Eligible Items and Destinations in the People's Republic of China (PRC)

Consistent with U.S. Government policy to facilitate trade for civilian end-users in the PRC, BIS amended the EAR in a final rule on June 19, 2007 (72 FR 33646) by creating a new authorization for "validated end-users" located in eligible destinations to which eligible items may be exported, reexported or transferred under a general authorization instead of a license, in conformance with section 748.15 of the EAR. Validated end-users may obtain eligible items that are on the Commerce Control List, set forth in Supplement No. 1 to part 774 of the EAR, without having to wait for their suppliers to obtain export licenses from BIS. Eligible items may include commodities, software and technology, except those controlled for missile technology or crime control reasons.

Authorization VEU is a mechanism to facilitate increased high-technology exports to companies in eligible destinations that have a verifiable record of civilian uses for such items. The validated end-users listed in Supplement No. 7 to Part 748 of the EAR were reviewed and approved by the U.S. Government in accordance with the provisions of Section 748.15 and Supplement Nos. 8 and 9 to Part 748 of the EAR. In addition to U.S. exporters, Authorization VEU may be used by foreign reexporters as well as by persons transferring in-country, and does not have an expiration date. Currently, validated end-users are located in the PRC and India.

Addition of Hynix Semiconductor China Ltd., Hynix Semiconductor (Wuxi) Ltd. and Lam Research Corporation to the List of Validated End-Users in the PRC and the Corporations' Respective "Eligible Items (By ECCN)" and "Eligible Destinations"

This final rule amends Supplement No. 7 to Part 748 of the EAR to designate Hynix Semiconductor China Ltd. (HSCL), Hynix Semiconductor (Wuxi) Ltd. (HSMC) and Lam Research Corporation (Lam), as validated end-users, to identify the eligible facilities of HNSL, HSMC and Lam and to identify the items that may be exported, reexported or transferred (in-country) to HSCL's, HSMC's and Lam's specified eligible facilities under Authorization VEU. The names and addresses of these newly approved validated end-users and their eligible facilities are as follows:

Validated End-Users

Hynix Semiconductor China Ltd.
Hynix Semiconductor (Wuxi) Ltd.
Lam Research Corporation.

Eligible Destination for Hynix Semiconductor China Ltd.

Hynix Semiconductor China Ltd., Lot K7/K7–1, Export Processing Zone, Wuxi, Jiangsu, PR China.

Eligible Destination for Hynix Semiconductor (Wuxi) Ltd.

Hynix Semiconductor (Wuxi) Ltd., Lot K7/K7–1, Export Processing Zone, Wuxi, Jiangsu, PR China.

Eligible Items That May Be Exported, Reexported or Transferred (In-Country) to the Two Eligible Destinations (Facilities) Under HSCL's and HSMC's Validated End-User Authorizations

Equipment for the manufacturing of semiconductor devices or materials classified under Export Control Classification Numbers (ECCNs) 3B001.a, 3B001.b, 3B001.c, 3B001.d, 3B001.e, and 3B001.f.

Eligible Destinations for Lam Research Corporation

Lam Research (Shanghai) Service Co., 1st Floor, Area C, Hua Hong Science & Technology Park, 177 Bi Bo Road, Zhangjiang Hi-Tech Park, Pudong, Shanghai, China 201203.

Lam Research Shanghai Co., Ltd., No. 1 Jilong Rd., Room 424–2, Waigaoqiao Free Trade Zone, Shanghai, China 200131.

Lam Research International Sarl (Shanghai TSS), c/o HMG Logistic (Shanghai) Co., Ltd., No.55, West Shang Feng Road, Tangzhen, Pudong New Area, Shanghai, China 201203.

Lam Research Shanghai Co., Ltd. (Shanghai WGQ Bonded Warehouse), No. 55, Fei la Road, Waigaoqiao Free Trade Zone, Pudong New Area, Shanghai, China 200131.

Lam Research Co., Ltd. (Beijing Branch), Room 322 Dadi Mansion, No. 18 Hongda Beilu, Beijing Economic & Technological Development Area, Beijing, China 100176.

Lam Research Co., Ltd. (Wuxi Representative Office), 5E, Bldg. C, International Science & Technology Park, #2 Taishan Road, WND, Wuxi, Jiangsu, China 214028.

Lam Research International Sarl (Wuxi EPZ Bonded Warehouse), c/o HMG WHL Logistic (Wuxi) Co., Ltd., F1, Area 4, No. 1, Plot J3, No. 5 Gaolang East Road, Export Processing Zone, Wuxi, China 214028,

Lam Research Co., Ltd. (Wuhan Representative Office), Room 1810, Guanggu International Building B,

456 Luoyu Road, East-Lake Hi-Tech Development Zone, Wuhan City, Hubei Province, China 430074.

Lam Research International Sarl (Wuhan TSS), c/o HMG Wuhan Logistic Co., Ltd., 1st—2nd Floor, No. 5 Building, Hua Shi Yuan Er Road, Optical Valley Industry Park, East-Lake Hi-Tech Development Zone, Wuhan City, Hubei Province, China 430223.

Eligible Items That May Be Exported, Reexported or Transferred (In-Country) to the Nine Eligible Destinations (Facilities) Under Lam's Validated End-User Authorization

Items classified under Export Control Classification Numbers (ECCNs) 2B230, 2B350.c, 2B350.d, 2B350.g, 2B350.h, 2B350.i, 3B001.c, 3B001.e (items controlled under 3B001.c and 3B001.e are limited to parts and components) 3D001, 3D002 (limited to "software" specially designed for the "use" of stored program controlled items classified under ECCN 3B001), and 3E001 (limited to "technology" according to the General Technology Note for the "development" of equipment controlled by ECCN 3B001).

Approving these end-users as validated end-users is expected to further facilitate exports to civilian end-users in the PRC, and is expected to result in a significant savings of time and resources for suppliers and the eligible facilities. Authorization VEU eliminates the burden on exporters and reexporters of preparing individual license applications, as exports, reexports and transfers (in-country) of eligible items to these facilities may now be made under general authorization instead of under individual licenses. With this change, exporters and reexporters can supply validated end-users in the PRC much more quickly, thus enhancing the competitiveness of the exporters, reexporters, and end-users in the PRC.

To ensure appropriate facilitation of exports and reexports, on-site reviews of validated end-users may be warranted pursuant to paragraph 748.15(f)(2) and section 7(iv) of Supplement No. 8 to Part 748 of the EAR. If such reviews are warranted, BIS will inform the PRC Ministry of Commerce.

Since August 21, 2001, the Export Administration Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended most recently by the Notice of August 12, 2010 (75 FR 50681 (August 16, 2010), has continued the EAR in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Rulemaking Requirements

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

2. This rule involves collections previously approved by the OMB under control number 0694–0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748; and for recordkeeping, reporting and review requirements in connection with Authorization Validated End-User, which carries and estimated burden of 30 minutes per submission. This rule is expected to result in a decrease in license applications submitted to BIS. Total burden hours associated with the Paperwork Reduction Act and Office of Management and Budget control number 0694–0088 are not expected to increase significantly as a result of this rule.

Notwithstanding any other provisions of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

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

4. Pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), BIS finds good cause to waive requirements that the rule be subject to notice and the opportunity for public comment because such notice and comment here are unnecessary. In determining whether to grant validated end-user designations, a committee of U.S. Government agencies evaluates information about candidate companies and commitments made by candidate companies, the nature and terms of which are set forth in 15 CFR part 748, Supplement No. 8. The criteria for evaluation by the committee are set forth in 15 CFR § 748.15(a)(2).

The information, commitments and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (71 FR 38313, July 2, 2006 and 72 FR 33646, June 19, 2007). Given the similarities between the authorizations provided under Validated End-User (VEU) and export licenses (as discussed further below), the publication of this information does not establish any new policy; in publishing this final rule, BIS is simply adding validated end-users within the established regulatory framework of the VEU program. Further, this rule does not abridge the rights of the public or eliminate the public's option to export under any of the forms of authorization set forth in the EAR.

Publication of this rule in other than final form is unnecessary because the authorization granted in the rule is similar to that granted to exporters for individual licenses, which do not undergo public review. Individual license application applicants and VEU authorization applicants both provide the U.S. Government with confidential business information. This information is extensively reviewed according to the criteria for VEU authorizations, as set out in 15 CFR 748.15(a)(2). Like individual export licenses, VEU applications are vetted by an interagency committee drawing on public and non-public sources, including licensing data, and measured against the VEU authorization criteria. The authorizations granted under the VEU program, and through individual export licenses, involve interagency deliberation according to set criteria. Given the thorough nature of the review, and in light of the parallels between this process and the non-public review of license applications, public comment on this authorization prior to publication is unnecessary. Moreover, as noted above, the criteria and process for authorizing VEUs were developed with public comments; allowing additional public comment on this individual VEU authorization, which was determined according to those criteria, is therefore unnecessary.

Section 553(d) of the APA generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. However, section 553(d)(1) of the APA provides that a substantive rule which grants or recognizes an exemption or relieves a restriction, may take effect earlier. Today's final rule grants an exemption from licensing procedures, so we make this final rule effective immediately.

No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are

not applicable and no regulatory flexibility analysis has been prepared.

List of Subjects in 15 CFR Part 748

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

■ Accordingly, part 748 of the Export Administration Regulations (15 CFR Parts 730–774) is amended as follows:

PART 748—[AMENDED]

■ 1. The authority citation for 15 CFR 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).

■ 2. Supplement No. 7 to Part 748 is amended by adding three entries, "Hynix Semiconductor China Ltd.", "Hynix Semiconductor (Wuxi) Ltd.", and "Lam Research Corporation", in "China (People's Republic of)" in alphabetical order to read as follows:

SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU); LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER AND ELIGIBLE DESTINATIONS

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination
China (People's Republic of)			
*	* *	* *	* *
	Hynix Semiconductor China Ltd.	3B001.a, 3B001.b, 3B001.c, 3B001.d, 3B001.e, and 3B001.f.	Hynix Semiconductor China Ltd. Lot K7/K7–1, Export Processing Zone Wuxi, Jiangsu, PR China.
	Hynix Semiconductor (Wuxi) Ltd.	3B001.a, 3B001.b, 3B001.c, 3B001.d, 3B001.e, and 3B001.f.	Hynix Semiconductor (Wuxi) Ltd., Lot K7/K7–1, Export Processing Zone, Wuxi, Jiangsu, PR, China.
	Lam Research Corporation.	2B230, 2B350.c, 2B350.d, 2B350.g, 2B350.h, 2B350.i, 3B001.c, 3B001.e (items controlled under 3B001.c and 3B001.e are limited to parts and components), 3D001, 3D002 (limited to "software" specially designed for the "use" of stored program controlled items classified under ECCN 3B001), and 3E001 (limited to "technology" according to the General Technology Note for the "development" of equipment controlled by ECCN 3B001).	Lam Research (Shanghai) Service Co., 1st Floor, Area C, Hua Hong Science & Technology Park, 177 Bi Bo Road Zhangjiang Hi-Tech Park, Pudong, Shanghai, China 201203. Lam Research Shanghai Co., Ltd., No. 1 Jilong Rd., Room 424–2, Waigaoqiao Free Trade Zone, Shanghai, China 200131. Lam Research International Sarl (Shanghai TSS), c/o HMG Logistic (Shanghai), Co., Ltd., No.55, West Shang Feng Road , Tangzhen, Pudong New Area, Shanghai, China 201203. Lam Research Shanghai Co., Ltd., (Shanghai WGQ Bonded Warehouse), No. 55, Fei la Road, Waigaoqiao Free Trade Zone, Pudong New Area, Shanghai, China 200131. Lam Research Co., Ltd. (Beijing Branch), Room 322 Dadi Mansion, No. 18 Hongda Beilu Beijing Economic & Technological Development Area, Beijing, China 100176. Lam Research Co., Ltd. (Wuxi Representative Office), 5E, Bldg. C International Science & Technology Park, #2 Taishan Road, WND, Wuxi, Jiangsu, China 214028. Lam Research International Sarl (Wuxi EPZ Bonded Warehouse) c/o HMG WHL Logistic (Wuxi) Co., Ltd., F1, Area 4, No. 1, Plot J3, No. 5 Gaolang East Road, Export Processing Zone, Wuxi, China 214028. Lam Research Co., Ltd. (Wuhan Representative Office), Room 1810, Guanggu International Building B, 456 Luoyu Road, East-Lake Hi-Tech Development Zone, Wuhan City, Hubei Province, China 430074. Lam Research International Sarl (Wuhan TSS), c/o HMG Wuhan Logistic Co., Ltd., 1st—2nd Floor, No. 5 Building, Hua Shi Yuan Er Road, Optical Valley Industry Park, East-Lake Hi-Tech Development Zone, Wuhan City, Hubei Province, China 430223.
*	* *	* *	* *

Dated: October 4, 2010.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2010–25438 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–33–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34–63049]

Delegation of Authority to the Director of the Division of Trading and Markets

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission ("Commission") is amending its rules to delegate authority to the Director of the Division of Trading and Markets ("Division") to disapprove a proposed rule change pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Exchange Act"); to temporarily suspend a proposed rule change of a self-regulatory organization ("SRO"); to notify an SRO that a proposed rule change does not comply with the rules of the Commission relating to the required form of a proposed rule change; and to determine that a proposed rule change is unusually lengthy and complex or raises novel regulatory issues and to inform the SRO of such determination. In addition, the Commission is amending its rules to delegate authority to the Director of the Division ("Director") to determine the appropriateness of extending the time periods specified in Section 19(b) and publish the reasons for such determination as well as to effect any such extension; to update the references to proceedings to determine whether to disapprove a proposal and to provide to the SRO notice of the grounds for disapproval under consideration; to find good cause to approve a proposal on an accelerated basis and to publish the reasons for such determination; and to extend the period for consideration of a national market system plan or an amendment to such plan. This delegation is intended to conserve Commission resources and to increase the effectiveness and efficiency of the Commission's SRO rule filing process.

DATES: *Effective Date:* October 12, 2010

FOR FURTHER INFORMATION CONTACT: Richard Holley III, Assistant Director, at (202) 551–5614, Kristie Diemer, Special Counsel, at (202) 551–5613, and Arisa Tinaves, Special Counsel, at (202) 551–5676, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–7010.

SUPPLEMENTARY INFORMATION: The Dodd-Frank Wall Street Reform and Consumer Protection Act [1] amended Section 19 of the Exchange Act, 15 U.S.C. 78s(b)(2), so that there are new deadlines by which the Commission must publish and act upon proposed rule changes submitted by SROs. In recognition of the amendments to Section 19, the Commission is amending its rules governing delegations of authority to the Director of the Division. The amendments to Rule 30–3 (17 CFR 200.30–3) authorize the Director of the Division: (1) To disapprove an SRO proposed rule change pursuant to Section 19(b)(2) of the Exchange Act, 15 U.S.C. 78s(b)(2), provided that, with respect to a particular proposed rule change, if two (2) or more Commissioners object in writing to the Director within five (5) business days of being notified by the Director that the Division intends to exercise its authority to disapprove that particular proposed rule change, then the delegation of authority to approve or disapprove that proposal is withdrawn and the Director shall either present a recommendation to the Commission or institute pursuant to delegated authority proceedings to determine whether the proposed rule change should be disapproved; [2] (2) pursuant to Section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), and Section 19(b)(3) of the Act, 15 U.S.C. 78s(b)(3), to institute proceedings to determine whether a proposed rule change of a SRO should be disapproved and to provide to the SRO notice of the grounds for disapproval under consideration, and, in addition, if the Commission has not taken action on a proposal for which delegated authority has been withdrawn under subparagraph (12) prior to the expiration of the applicable time period specified in Section 19(b)(2), 15 U.S.C. 78s(b)(2), to require the Director to institute proceedings to determine whether the proposed rule change should be disapproved; (3) pursuant to new Section 19(b)(10) of the Exchange Act, 15 U.S.C. 78s(b)(10), to (a) notify an SRO that a proposed rule change does not comply with the rules of the Commission relating to the required form of a proposed rule change, and (b) determine that a proposed rule change is unusually lengthy and complex or raises novel regulatory issues and to inform the SRO of such determination; (4) pursuant to Section 19(b)(2)(A) of the Exchange Act, 15 U.S.C. 78s(b)(2)(A), to extend for a period not exceeding 90 days from the date of publication of notice of the filing of a proposed rule change the period during which the Commission must by order disapprove the proposed rule change; (5) pursuant to Section 19(b)(2)(A) of the Exchange Act, 15 U.S.C. 78s(b)(2)(A), to determine the appropriateness of extending the period during which the Commission must by order approve or disapprove a proposed rule change or institute proceedings to determine whether to disapprove the proposal and publish the reasons for such determination; (6) pursuant to Section 19(b)(2)(B) of the Exchange Act, 15 U.S.C. 78s(b)(2)(B), to extend for a period not exceeding 240 days from the date of publication of notice of the filing of a proposed rule change the period during which the Commission must conclude proceedings to determine whether to disapprove the proposal and to determine whether such longer period is appropriate and publish the reasons for such determination; (7) to temporarily suspend an SRO's proposed rule change pursuant to Section 19(b)(3)(C) of the Exchange Act, 15 U.S.C. 78s(b)(3)(C); (8) to update the references to proceedings to determine whether to disapprove a proposal and to provide to the SRO notice of the grounds for disapproval under consideration; [3] and (9) to find good cause to approve a proposal on an accelerated basis and to publish the reasons for such determination. In addition, the Commission is amending Rule 30–3(a)(42) to authorize the Director, pursuant to rule 608(b), 17 CFR 242.608(b), to extend for a period

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376 (2010).

[2] Section 19(b)(2)(C), 15 U.S.C. 78s(b)(2)(C), provides the standards for Commission approval and disapproval of a proposed rule change. Under this paragraph, the Commission shall approve a proposed rule change if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations issued thereunder that are applicable to the self-regulatory organization, and the Commission shall disapprove a proposal if it does not make such finding. Additionally, this paragraph provides that the Commission may not approve a proposed rule change earlier than 30 days after the date of publication unless the Commission finds good cause for so doing and publishes the reason for the finding.

[3] Section 19(b)(3)(C) provides that if the Commission temporarily suspends the change in the rules of a SRO, it shall "institute proceedings under paragraph (2)(B) to determine whether the proposed rule should be approved or disapproved." The Commission is amending Rule 30–3(a)(57), which presently delegates authority to the Director of the Division to institute such proceedings, to clarify its applicability to all references to such proceedings contained in amended Sections 19(b)(2) and 19(b)(3) of the Exchange Act.

not exceeding 180 days from the date of publication of notice of the filing of a proposed national market system plan or an amendment to an effective national market system plan the time for Commission consideration of such plan or amendment.

Finally, the Commission is amending Rule 30–3(a)(12) to remove obsolete references to a former compliance deadline that is now inconsistent with the amendments to Section 19 of the Exchange Act since the former provision included a 15 business day deadline that is incompatible with the new 15 calendar day deadline to send the notice to the **Federal Register** for publication from the date on which the SRO publishes the notice of the filing contained in revised Section 19(b)(2)(E).

This delegation is intended to conserve Commission resources and increase the effectiveness and efficiency of the Commission's process for handling proposed rule changes submitted by SROs. The Commission anticipates that the delegation of authority will help facilitate timely compliance with the amendments to Section 19 of the Exchange Act and the new statutory deadlines prescribed therein. Nevertheless, the Division may submit matters to the Commission for its consideration, as it deems appropriate.

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)), that these amendments relate solely to agency organization, procedures, or practices, and do not relate to a substantive rule. Accordingly, notice, opportunity for public comment, and publication of the amendments prior to their effective date are unnecessary and these changes are effective on October 12, 2010.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

Text of Amendment

■ For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

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

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

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

* * * * *

■ 2. Section 200.30–3 is amended by:

■ a. Revising paragraphs (a)(12) and (a)(31);

■ b. In paragraph (a)(42), at the end remove the period and in its place add ", and pursuant to 17 CFR 242.608(b) to extend for a period not exceeding 180 days from the date of publication of notice of filing of a national market system plan or an amendment to an effective national market system plan the time for Commission consideration of the national market system plan or the amendment to an effective national market system plan and to determine whether such longer period is appropriate and publish the reasons for such determination.";

■ c. Revising paragraph (a)(57); and

■ d. Adding paragraph (a)(58).

The revisions and addition read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Trading and Markets.

* * * * *

(a) * * *

(12) Pursuant to section 19(b) of the Act, 15 U.S.C. 78s(b), and Rule 19b–4 (§ 240.19b–4) of this chapter, to publish notices of proposed rule changes filed by self-regulatory organizations and to approve such proposed rule changes, and to find good cause to approve a proposed rule change earlier than 30 days after the date of publication of such proposed rule change and to publish the reasons for such finding. Pursuant to section 19(b) of the Act, 15 U.S.C. 78s(b), and Rule 19b–4 (§ 240.19b–4) of this chapter, to disapprove a proposed rule change, provided that, with respect to a particular proposed rule change, if two (2) or more Commissioners object in writing to the Director within five (5) business days of being notified by the Director that the Division intends to exercise its authority to disapprove that particular proposed rule change, then the delegation of authority to approve or disapprove that proposal is withdrawn, and the Director shall either present a recommendation to the Commission or institute pursuant to delegated authority proceedings to determine whether the proposed rule change should be disapproved. In addition, pursuant to section 19(b)(10) of the Act, 15 U.S.C. 78s(b)(10), to notify a self-regulatory organization that a proposed rule change does not comply with the rules of the Commission relating to the required form of a proposed rule change, and to determine that a proposed rule change is unusually lengthy and complex or raises novel regulatory issues and to inform the self-regulatory organization of such determination.

* * * * *

(31) Pursuant to section 19(b)(2)(A) of the Act, 15 U.S.C. 78s(b)(2)(A), to extend for a period not exceeding 90 days from the date of publication of notice of the filing of a proposed rule change pursuant to section 19(b)(1) of the Act, 15 U.S.C. 78s(b)(1), the period during which the Commission must by order approve or disapprove the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved and to determine whether such longer period is appropriate and publish the reasons for such determination.

* * * * *

(57) Pursuant to section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), and section 19(b)(3) of the Act, 15 U.S.C. 78s(b)(3), to institute proceedings to determine whether a proposed rule change of a self-regulatory organization should be disapproved and to provide to the self-regulatory organization notice of the grounds for disapproval under consideration. If the Commission has not taken action on a proposed rule change for which delegated authority has been withdrawn under paragraph (a)(12) of this section prior to the expiration of the applicable time period specified in section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), then the Director shall institute pursuant to delegated authority proceedings to determine whether the proposed rule change should be disapproved. In addition, pursuant to section 19(b)(2)(B) of the Act, 15 U.S.C. 78s(b)(2)(B), to extend for a period not exceeding 240 days from the date of publication of notice of the filing of a proposed rule change pursuant to Section 19(b)(1) of the Act, 15 U.S.C. 78s(b)(1), the period during which the Commission must issue an order approving or disapproving the proposed rule change and to determine whether such longer period is appropriate and publish the reasons for such determination.

(58) Pursuant to section 19(b)(3)(C) of the Act, 15 U.S.C. 78s(b)(3)(C), to temporarily suspend a change in the rules of a self-regulatory organization.

* * * * *

Dated: October 6, 2010.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–25642 Filed 10–8–10; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

[Docket No. FDA–2010–N–0002]

Implantation and Injectable Dosage Form New Animal Drugs; Ceftiofur Crystalline Free Acid

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pharmacia & Upjohn Co., a Division of Pfizer, Inc. The supplemental NADA provides for veterinary prescription use of ceftiofur crystalline free acid suspension in swine, by intramuscular injection, for the control of swine respiratory disease (SRD) in groups of pigs where SRD has been diagnosed.

DATES: This rule is effective October 12, 2010.

FOR FURTHER INFORMATION CONTACT: Cindy L. Burnsteel, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8341, e-mail: *cindy.burnsteel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pharmacia & Upjohn Co., a Division of Pfizer, Inc., 235 East 42d St., New York, NY 10017, filed a supplement to NADA 141 235 for EXCEDE (ceftiofur crystalline free acid) for Swine Sterile Suspension. The supplemental NADA provides for the veterinary prescription use of ceftiofur crystalline free acid suspension in swine, by intramuscular injection, for the control of SRD associated with *Actinobacillus pleuropneumoniae, Pasteurella multocida, Haemophilus parasuis,* and *Streptococcus suis* in groups of pigs where SRD has been diagnosed. The application is approved as of September 15, 2010, and the regulations are amended in 21 CFR 522.313a to reflect the approval. In addition, the regulations are amended to specify which strength of two approved formulations is approved for use in horses. This is being done to improve the accuracy of the regulations.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for 3 years of marketing exclusivity beginning on the date of approval.

The agency has determined under 21 CFR 25.33 that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

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

■ 2. In § 522.313a, add a second sentence to paragraph (e)(1)(ii) and revise paragraph (e)(3) to read as follows:

§ 522.313a Ceftiofur crystalline free acid.

* * * * *

(e) * * *

(1) * * *

(ii) * * * For the control of SRD associated with *A. pleuropneumoniae, P. multocida, H. parasuis,* and *S. suis* in groups of pigs where SRD has been diagnosed.

* * * * *

(3) *Horses.* The formulation described in paragraph (a)(2) of this section is used as follows:

(i) *Amount.* Two intramuscular injections, 4 days apart, at a dose of 3.0 mg/lb (6.6 mg/kg) body weight.

(ii) *Indications for use.* For the treatment of lower respiratory tract infections in horses caused by susceptible strains of *Streptococcus equi* ssp. *zooepidemicus.*

(iii) *Limitations.* Do not use in horses intended for human consumption.

Dated: October 5, 2010.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2010–25527 Filed 10–8–10; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0861]

Drawbridge Operation Regulations; Saugatuck River, Saugatuck, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Saga Railroad Bridge across the Saugatuck River, mile 1.1, at Saugatuck, Connecticut. The deviation is necessary to facilitate scheduled rehabilitation maintenance at the bridge. Under this deviation the bridge may remain in the closed position from October 1, 2010 through October 17, 2010.

DATES: This deviation is effective with constructive notice from October 12, 2010 through October 17, 2010, and for enforcement with actual notice from October 1, 2010 through October 12, 2010.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–0861 and are available online at *http://www.regulations.gov,* inserting USCG–2010–0861 in the "Keyword" 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 Ms. Judy K. Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668–7165, *judy.k.leung-yee@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 Saga Railroad Bridge across the Saugatuck River at mile 1.1, has a vertical clearance of 13 feet at mean high water and 20 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.221(b).

The owner of the bridge, Metro North Railroad, requested a temporary deviation from the regulations to facilitate scheduled maintenance, track tie replacement, from October 1, 2010 through October 17, 2010.

The normal waterway users are predominantly recreational craft of various sizes.

Under this temporary deviation the Saga Railroad Bridge may remain in the closed position from October 1, 2010 through October 17, 2010, to facilitate rehabilitation maintenance at the bridge.

Vessels that can pass under the bridge in the closed position may do so at any time.

Waterway users were advised of the requested bridge and channel closure and offered no objection.

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: September 28, 2010.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2010–25494 Filed 10–8–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0847]

Drawbridge Operation Regulations; Charles River, Boston, MA, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Craigie Bridge across the Charles River, mile 1.0, at Boston, Massachusetts. The deviation is necessary to facilitate scheduled rehabilitation maintenance at the bridge. Under this deviation the bridge may remain in the closed position from November 1, 2010 through April 26, 2011.

DATES: This deviation is effective from November 1, 2010 through April 26, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–0847 and are available online at *www.regulations.gov,* inserting USCG–2010–0847 in the "Keyword" 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 Mr. John W. McDonald, Project Officer, First Coast Guard District, telephone (617) 223–8364, *john.w.mcdonald@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 Craigie Bridge across the Charles River at mile 1.0, has a vertical clearance of 10.25 feet at normal pool elevation. The drawbridge operation regulations are listed at 33 CFR 117.591(e).

During the rehabilitation construction the Craigie Bridge will provide a vertical clearance of 17.41 feet at normal pool elevation from November 15, 2010 through January 19, 2011, and 10.25 feet at normal pool elevation from January 20, 2011 through April 26, 2011.

The operator of the bridge, the Massachusetts Department of Transportation, requested a temporary deviation from the regulations to facilitate scheduled rehabilitation maintenance from November 1, 2010 through April 26, 2011.

The normal waterway users are predominantly recreational craft of various sizes and commercial tour boats that operate from April through November. The waterway is normally frozen from late December through March each year.

Under this temporary deviation the Craigie Bridge may remain in the closed position from November 1, 2010 through April 26, 2011, to facilitate rehabilitation maintenance at the bridge.

From November 1 through November 14, 2010, a work barge will be located under the bridge blocking the entire channel from vessel access while the bridge lift spans are removed.

From November 15, 2010 through April 26, 2011, vessels that can pass under the bridge in the closed position may do so provided they contact the contractor, J.F. White, Mr. Greg Labrum, via land line at 508–879–4700 or cell phone at 617–719–7150, to arrange a transit.

Waterway users were advised of the requested bridge and channel closure and offered no objection.

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: September 28, 2010.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2010–25498 Filed 10–8–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0907]

Drawbridge Operation Regulations; Newtown Creek, Dutch Kills, English Kills, and Their Tributaries, NY, Maintenance

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Greenpoint Avenue Bridge across Newtown Creek, mile 1.3, New York. The deviation allows the bridge to remain in the closed position for seven days to facilitate bridge rehabilitation maintenance.

DATES: This deviation is effective from October 26, 2010 through November 1, 2010.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2010–0907 and are available online at *http://www.regulations.gov,* inserting USCG–2010–0907 in the "Keyword" 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 Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, *judy.k.leung-yee@uscg.mil,* telephone (212) 668–7165. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Greenpoint Avenue Bridge, across Newtown Creek at mile 1.3, at New York, has a vertical clearance in the closed position of 26 feet at mean high water and 31 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.801(g)(1).

The owner of the bridge, New York City Department of Transportation (NYCDOT), requested a temporary deviation from the regulations to facilitate the completion of scheduled bridge rehabilitation maintenance previously authorized for two six-week closures from July 5, 2010 through August 13, 2010, and from August 30, 2010, through October 8, 2010. The first six-week closure was not implemented due to materials not being fabricated in time. The second six-week closure was implemented but unfinished work remains to be completed. This temporary deviation will allow the work to be completed within a one-week bridge closure period.

Under this temporary deviation the Greenpoint Avenue Bridge may remain in the closed position from October 26, 2010 through November 1, 2010. Vessels that can pass under the bridge in the closed position may do so at any time.

Waterway users were advised of the requested bridge closures and offered no objection.

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: September 28, 2010.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2010–25497 Filed 10–8–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2007–0228–201038; FRL–9212–6]

Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Tennessee: Knoxville; Determination of Attaining Data for the 1997 8-Hour Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On February 19, 2010, the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), submitted a request to EPA to make a determination that the Knoxville, Tennessee nonattainment area for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) has attained these standards based on quality assured, quality controlled monitoring data from 2007 through 2009. The Knoxville 1997 8-hour ozone nonattainment area is comprised of Anderson, Blount, Jefferson, Knox, Loudon, and Sevier Counties in their entireties, and the portion of Cocke County that falls within the boundary of the Great Smoky Mountains National Park (hereafter referred to as "the Knoxville Area"). In this action, EPA is taking final action to determine that the Knoxville Area has attained the 1997 8-hour ozone NAAQS. This determination is based upon complete, quality assured, quality controlled, and certified ambient air monitoring data for the years 2007–2009 showing that the Knoxville Area has monitored attainment of the 1997 8-hour ozone NAAQS. This final action is consistent with the CAA, and EPA policy and guidance.

DATES: *Effective Date:* This final rule is effective on October 12, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R04–OAR–2007–0228. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, 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 for public inspection during normal business hours at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.

FOR FURTHER INFORMATION CONTACT: Royce Dansby-Sparks, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Mr. Dansby-Sparks may be reached by phone at (404) 562–9187 or via electronic mail at *dansby-sparks.royce@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

EPA is determining that the Knoxville Area (comprised of Anderson, Blount, Jefferson, Knox, Loudon, and Sevier Counties in their entireties, and the portion of Cocke County that falls within the boundary of the Great Smoky Mountains National Park) has attaining data for the 1997 8-hour ozone NAAQS. This determination is based upon quality assured, quality controlled and certified ambient air monitoring data that shows the Knoxville Area has monitored attainment of the 1997 8-hour ozone NAAQS based on the 2007–2009 data.

Other specific requirements of the determination and the rationale for EPA's final action are explained in the notice of proposed rulemaking (NPR) published on August 3, 2010 (75 FR 45568) and will not be restated here. The comment period closed on September 2, 2010. No comments, adverse or otherwise, were received in response to the NPR.

II. What is the effect of this action?

This final action, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit attainment demonstrations, associated reasonably available control measures (RACM), reasonable further progress plans (RFP), contingency measures, and other planning SIPs related to attainment of the 1997 8-hour ozone NAAQS as long as this Area continues to meet the 1997 8-hour ozone NAAQS. Finalizing this action does not

constitute a redesignation of the Knoxville Area to attainment for the 1997 8-hour ozone NAAQS under section 107(d)(3) of the Clean Air Act (CAA). Further, finalizing this action does not involve approving maintenance plans for the Area as required under section 175A of the CAA, nor does it involve a determination that the Area has met all requirements for a redesignation.

III. What is EPA's final action?

EPA is determining that the Knoxville Area has attaining data for the 1997 8-hour ozone NAAQS. This determination is based upon quality assured, quality controlled, and certified ambient air monitoring data showing that the Knoxville Area has monitored attainment of the 1997 8-hour ozone NAAQS during the period 2007–2009. This final action, in accordance with 40 CFR 51.918, will suspend the requirements for this Area to submit attainment demonstrations, associated RACM, RFP plans, contingency measures, and other planning SIPs related to attainment of the 1997 8-hour ozone NAAQS as long as the Area continues to meet the 1997 8-hour ozone NAAQS.

IV. What is the effective date?

An expedited effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rule actions may become effective less than 30 days after publication if the rule "grants or recognizes an exemption or relieves a restriction" and section 5 U.S.C. 553(d)(3), which allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." EPA finds that there is good cause for this approval to become effective upon publication.

Approval of a clean data determination relieves the obligation for the State of Tennessee to submit for the Knoxville Area an attainment demonstration and associated RACM, RFP plan, contingency measures, and any other SIP-related planning requirements to attainment of the 1997 8-hour ozone NAAQS provided the Area does not monitor any violations of the ozone standard. The relief from these obligations is sufficient reason to allow an expedited effective date of the rule under 5 U.S.C. 553(d)(1). In addition, Tennessee's relief from these obligations provides good cause to make this rule effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in 5 U.S.C. 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Where, as here, the final rule relieves obligations rather than imposes obligations, affected parties, such as the State of Tennessee and the Knox County Department of Air Quality Management, do not need time to adjust and prepare before the rule takes effect.

V. What are statutory and executive order reviews?

Under the CAA, the Administrator is required to approve a SIP submission or State request 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 or state requests, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 13, 2010. 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, pertaining to the determination of attaining data for the 1997 8-hour ozone standard for the Knoxville Area, 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, Ozone, Volatile organic compounds.

Dated: September 27, 2010.

Gwendolyn Keyes Fleming,

Regional Administrator, Region 4.

■ Accordingly, 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 RR—Tennessee

■ 2. Section 52.2235 is amended by adding paragraph (c) to read as follows:

§ 52.2235 Control strategy: Ozone.

* * * * *

(c) Determination of Attaining Data. EPA has determined, as of October 12, 2010 the Knoxville, Tennessee nonattainment area has attaining data for the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standards for as long as this area continues to meet the 1997 8-hour ozone NAAQS.

[FR Doc. 2010–25461 Filed 10–8–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 389

[Docket No. MARAD–2008–0045]

RIN 2133–AB67

Determination of Availability of Coastwise-Qualified Vessels for the Transportation of Platform Jackets

AGENCY: Maritime Administration, DOT.

ACTION: Final rule.

SUMMARY: The Maritime Administration (MARAD) is publishing this final rule to establish regulations governing administrative determinations of availability of coastwise-qualified vessels to be used in the transportation and, if needed, launch or installation of offshore oil drilling or production platform jackets in specified projects only. MARAD views this as a special, technical adjustment that does not indicate a change in MARAD's full support for other requirements of the coastwise laws.

Specifically, this final rulemaking implements provisions of Public Law 108–293 (2004) (the Act) which requires the Secretary of Transportation, acting through the Maritime Administrator, to adopt procedures to maximize use of coastwise-qualified vessels, but would permit the use of non-coastwise-qualified (foreign) launch barges if it is determined that coastwise-qualified vessels are not available.

DATES: This final rule will be effective November 12, 2010.

ADDRESSES: For access to the docket to read background documents, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Murray A. Bloom, Chief, Division of Maritime Programs, Office of Chief Counsel, Maritime Administration, 1200 New Jersey Ave., SE., Washington, DC 20590; Ph. (202) 366–5320, fax: (202) 366–3511; or e-mail *murray.bloom@dot.gov.*

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published on August 15, 2005 (70 FR 47771). Three years later an interim final rule was published on May 29, 2008 (73 FR 30783).

Public Comments Discussion

In the Interim Final Rule published on May 29, 2008, MARAD offered the public the opportunity to submit comments, which were due by July 28, 2008. Based on consideration of comments received, MARAD made changes incorporated into this final rule.

MARAD received three sets of comments on the Interim Final Rule from three entities. A summary of the comments received and MARAD's responses follows:

Item #1: Two commenters noted that the enabling legislation provided that launch barge work can be conducted by any coastwise-qualified vessel, not exclusively coastwise-qualified launch barges.

Maritime Administration: MARAD changed the final rule to reflect that a coastwise-qualified vessel may meet the definition of a launch barge even if it is not capable of launching a platform jacket or needs the assistance of other coastwise-qualified vessels in the installation of a platform jacket.

Item #2: Two commenters pointed out that the Interim Final Rule contained no incentive for a project owner to search in good faith for available coastwise-qualified services.

Maritime Administration: The rule has been amended to require a good faith search for a coastwise-qualified vessel. Refusal to attempt to obtain coastwise-qualified vessel services will result in an application being disapproved.

Item #3: One commenter noted that the Interim Final Rule contained no transition period to implement the 21-month application process and recommended an interim transition period that would require companies with offshore projects to make their intentions known at an early time.

Maritime Administration: MARAD did not amend the regulation to specifically provide for a transition period to implement the 21-month application process or provide an interim transition period. MARAD does not believe a change to the regulation with regard to a transition period is required, as the Interim Final Rule already provides the agency with the flexibility to adjust due dates on a case-by-case basis. *Please see* Section 389.4 Application and fee, paragraph (2), specifically, "(2) MARAD reserves the right to waive or reduce or extend the time requirements based upon its evaluation of any national emergency or other situation."

Item #4: MARAD also received comments requesting that: (a) The 21-month advance-notice period be ruled unrealistic, (b) offshore contractors and foreign vessel owners, in addition to platform owners and operators, should be allowed to apply for waivers, (c) the time period for which a waiver is valid should be extended to project completion instead of being limited to 120 days, and (d) that it be clarified that MARAD has the authority to approve an incomplete application for "good cause" in certain circumstances.

Maritime Administration: The issues addressed in items (a) and (b) have been discussed and reviewed in previous comment periods. In response to item (c), the Interim Final Rule already allows MARAD to extend a waiver granted for good cause, which the agency finds satisfactory. Regarding item (d), because the Interim Final Rule allows for flexibility in the application of deadlines and waiver time periods, and because MARAD may give the applicant an opportunity to redress any deficiencies in its application, there is enough flexibility to effectively administer the application process under the public law. Therefore, no rule changes were made based on the comments noted above.

Section 27 of the Merchant Marine Act of 1920, commonly known as the Jones Act (46 U.S.C. 55102), requires, with a few exceptions, that all cargo transported in the coastwise trade be carried on ships that are U.S.-owned and U.S.-built. In 1988 the Jones Act was amended to allow for the use of foreign-built platform jacket launch barges in the coastwise trade if no U.S.-built vessels were found to be available. Subsequently, Section 417 of the Coast Guard and Maritime Transportation Act of 2004, Public Law 108–293 (the Act), codified at 46 U.S.C. 55108, directed the Secretary of Transportation to establish procedures to issue determinations as to whether suitable U.S.-built vessels are available for use in transportation and, if needed, launch or installation of

offshore oil drilling or production structures (platform jackets), and to maximize use of U.S.-built coastwise-qualified vessels for such activities. The Act provides that if the Secretary determines that a suitable coastwise-qualified vessel is not available for use in specified platform jacket transportation or a launch or installation project, a foreign launch barge may be used. An Interim Final Rule (73 FR 30783) implementing this Act was published on May 29, 2008, which MARAD is now making final.

Program Description

In this rulemaking, MARAD is establishing procedures to determine if coastwise-qualified vessels are available for transportation of platform jackets and if coastwise-qualified vessels are not available, the procedures by which MARAD will make a determination allowing a foreign launch barge to transport and, if needed, launch or install a platform jacket under certain conditions.

MARAD will request coastwise-qualified launch barge owners, operators, and other potentially interested parties, to register with MARAD on an annual basis with their full contact information.

The registration process for platform owners/operators begins with notification to MARAD of a proposed offshore platform jacket project to be submitted at the same time an owner/operator files with the Bureau of Ocean Energy Management, Regulation and Enforcement for Development and Production Plan (DPP) or Development Operations Coordination Document (DOCD) approval. Registration must be at least 21 months before projected use of a foreign launch barge. The notification information provided to MARAD must include the projected summary specifications of the platform jacket to be transported and, if needed, launched or installed, the approximate date of the operation, and contact information for the platform owner/operator representatives having decision-making responsibility with respect to the transportation and installation of the platform jacket. This information will be made available to the public in order to "provide timely information to ensure maximum use of coastwise qualified vessels" as is required by the Act. At the same time, MARAD will provide the current list of potentially interested registered vessel owner/operators to the platform owner/operator so it can begin canvassing the market and entering into discussions for service.

If a platform owner/operator is unable to find a potential coastwise-qualified vessel, it may apply for a determination of non-availability of a coastwise-qualified vessel once MARAD determines that the prior notice requirement has been met. Applications must include the complete engineering specifications for the platform jacket to be transported, operational details for the loading, transport, launching or installation, timing requirements, and the foreign launch barge proposed to be used.

Upon receipt of a complete application, including deposit fee, MARAD will publish a notice in the **Federal Register** requesting that comments and information on the availability of coastwise-qualified vessels be submitted within 30 days. MARAD will provide a final determination within 90 days thereafter. MARAD may also canvas the market. If, after the comment period, the agency determines that a suitable coastwise-qualified vessel is not available for the project, upon receipt of final payment for all associated costs, MARAD will issue a determination of non-availability, allowing the transportation, launch or installation to proceed by means of the foreign-built launch barge.

MARAD will not act on incomplete applications. For example, without evidence of early notification, or if fees are not paid, or if an application is otherwise incomplete, MARAD will not act on the application. However, the agency will request the applicant's rectification of application errors and omissions. MARAD may reject a request for a determination if the application remains incomplete.

Applicants are encouraged to provide MARAD and the public with as much notice as possible in advance of projects requiring platform transportation services because vessels capable of transporting platform jackets have long lead times for construction. Early notification will help ensure maximum utilization of coastwise-qualified vessels and assist MARAD in its review process.

Application Fee

Title V of the Independent Offices Appropriations Act of 1952 (IOAA) (31 U.S.C. 9701) authorizes Federal agencies to establish and collect user fees. The statute provides that each service or thing of value provided by an agency should be self-sustaining to the extent possible, and that each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, the policy or interest served, and other relevant factors. 31 U.S.C. 9701.

The primary guidance for implementation of the IOAA is the Office of Management and Budget (OMB) Circular No. A–25 ("User Charges," July 8, 1993). Circular A–25, section 6, directs agencies to charge identifiable recipients for special benefits derived from Federal activities beyond those received by the general public. Circular A–25 further directs agencies, with limited exceptions, to recover the full cost of providing a Government service from the direct recipients of special benefits. "Full cost" is defined as including "all direct and indirect costs to any part of the Federal Government of providing a good, resource, or service."

Because determinations of availability under Part 389 represent special benefits to identifiable recipients (i.e., platform owners/operators) that are beyond the benefits and services normally received by the general public, the IOAA and Circular A–25 direct MARAD to assess user fees for providing this service.

The main cost components of the determination process include direct and indirect personnel costs and **Federal Register** publication costs. MARAD will charge for the actual number of hours at the relevant hourly rates, plus associated overhead and administrative costs. MARAD will also charge the applicant for the cost of publishing notices of application in the **Federal Register**. As of October 1, 2010, the **Federal Register** publication cost will be $159 per column and the average length of a public notice published for this program is estimated to be three columns. Thus, the total average publication cost currently is estimated to be about $477.00. The total of personnel costs and **Federal Register** publication costs is estimated to range from $500 to $20,000 or more, depending upon the extent of the required review. Each application will require a $500 deposit and payment of any additional costs prior to final determination.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking is not significant under section 3(f) of Executive Order 12866, and as a consequence, the Office of Management and Budget did not review the rule. This rulemaking is also not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979). It is also not considered a major rule for purposes of Congressional review under Public Law

104–121. MARAD believes that the economic impact of this rulemaking is so minimal as to not warrant the preparation of a full regulatory evaluation because it establishes procedures to determine if a coastwise-qualified vessel is available for use in a project and, if not, to allow the use of a foreign launch barge.

Executive Order 13132

MARAD analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 13132 (Federalism) and determined that it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The regulations herein have no substantial effects on the States, the current Federal-State relationship, or the current distribution of power and responsibilities among local officials. Therefore, MARAD did not consult with State and local officials because it was not necessary.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires MARAD to assess the impact that regulations will have on small entities. After analysis of this final rule, the Maritime Administrator certifies that this final rule will not have a significant economic impact on a substantial number of small entities. MARAD anticipates that few, if any, small entities will participate in this process due to the nature of the shipping industry and the capital costs associated with vessels to be considered within this rule.

Environmental Assessment

MARAD has analyzed this final rule for purposes of compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and has concluded that this rule is not expected to have a significant effect on the human and natural environment, individually or cumulatively, and is categorically excluded from further documentation requirements under the NEPA by Maritime Administrative Order 600–1, "Procedures for Considering Environmental Impacts," 50 FR 11606 (March 22, 1985), Categorical Exclusion No. 3. In pertinent part, Categorical Exclusion No. 3 applies to promulgation of rules, regulations, directives, and amendments thereto which do not require a regulatory impact analysis under section 3 of Executive Order 12291 or do not have a potential to cause a significant effect on the environment.

Accordingly, neither the preparation of an Environmental Assessment, an Environmental Impact Statement, nor a Finding of No Significant Impact for this rulemaking is required. This rulemaking will not result, either individually or cumulatively, in a significant impact on the environment. This rulemaking only relates to the determination of whether a coastwise-qualified vessel is available for a project, and, if not, allows for use of a foreign launch barge.

Paperwork Reduction Act

The rulemaking does not require Paperwork Reduction Act clearance by the Office of Management and Budget (OMB) because the collection is limited in scope to fewer than ten respondents.

Unfunded Mandates Reform Act

This rulemaking does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves this objective of U.S. policy.

Executive Order 13175

MARAD believes that this regulation will have no significant or unique effect on the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order do not apply.

Regulation Identifier Number (RIN)

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

Privacy Act

Anyone is able to search the electronic form of all comments received in any of MARAD's dockets by the name of the individual submitting the comment, or signing the comment, if submitted on behalf of an association, business, labor union, etc. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) and at www.regulations.gov.

List of Subjects in 46 CFR Part 389

Administrative practice and procedure, Maritime carriers, Reporting and recordkeeping requirements.

■ Accordingly, the interim rule amending 46 CFR part 389 which was published at 73 FR 30783 on May 29, 2008, is adopted as a final rule with the following changes. The Maritime Administration revises part 389 to read as follows:

PART 389—DETERMINATION OF AVAILABILITY OF COASTWISE-QUALIFIED VESSELS FOR TRANSPORTATION OF PLATFORM JACKETS

Sec.

Authority: 49 U.S.C. 322(a); 46 U.S.C. 55102; 46 U.S.C. 55108; Public Law 108–293, 118 Stat 1028; and 49 CFR 1.66.

§ 389.1 Purpose.

This part prescribes regulations implementing the provisions of section 417 of Public Law 108–293, which grants the Secretary of Transportation, acting through the Maritime Administrator, the authority to review and approve applications for determination of availability of coastwise-qualified vessels. Owners or operators of proposed platform jackets may submit information regarding a specific platform jacket transport, placement and/or launch project, following the procedures set forth in this regulation, in order for the Maritime Administration to determine whether a suitable coastwise-qualified vessel is available for the project. If the agency determines that a project owner has registered as required herein and sought in good faith to meet its transportation needs using U.S. flag vessels in compliance with the Jones Act, and that a suitable coastwise qualified vessel is not available, then a foreign launch barge may be used.

§ 389.2 Definitions.

For the purposes of this Part:

Administrator means the Maritime Administrator.

Applicant means the offshore development person, entity, or company as identified to the Bureau of Ocean Energy Management, Regulation and Enforcement in its Development Production Plan (DPP) or Development Operations Coordination Document (DOCD), which has applied to the Maritime Administration for a waiver.

Classed as a launch barge by a recognized classification Society means that the vessel holds a current classification document to be used as a launch barge by at least one of the following classification societies: American Bureau of Shipping (ABS), Bureau Veritas (BV), Lloyd's Register (LR), Germanischer Lloyd (GL), Det Norske Veritas (DNV) or Registro Italiano Navale (RINA).

Coastwise-qualified vessel means a vessel that has been issued a certificate of documentation with a coastwise endorsement under 46 U.S.C. 12112.

Coastwise Trade Laws include:

(1) The Coastwise Endorsement Provision of the Vessel Documentation Laws (46 U.S.C. 12112);

(2) The Passenger Vessel Services Act, section 8 of the Act of June 19, 1886 (46 U.S.C. 55103);

(3) The Jones Act, section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 55102); and

(4) Section 2(c) of the Shipping Act of 1916 (46 U.S.C. 50501).

Foreign launch barge, for the purpose of this part, means a non-coastwise-qualified launch barge that was built before December 31, 2000, and has a launch capacity of 12,000 long tons or more.

Launch barge means a vessel that is technically capable of transporting and, if needed, launching or installing an offshore drilling or production platform jacket, provided that a coastwise-qualified vessel may meet this definition even if it is not capable of launching such a platform jacket, and even if it requires the involvement of one or more other vessels in connection with the installation of such a platform jacket.

A *long ton* equals 2,240 pounds.

Platform jacket refers to a single physical component and includes any type of offshore exploration, development, or production structure or component thereof, including platform jackets, tension leg, or SPAR platform superstructures (including the deck, drilling rig and support utilities, and supporting structure), hull (including vertical legs and connecting pontoons or vertical cylinder), tower and base sections of a platform jacket, jacket structures, and deck modules (known as "topsides").

Secretary means the Secretary of the Maritime Administration.

§ 389.3 Registration.

In order to provide timely notification and to identify potential participants to each other so they may examine how they can best work together to maximize use of coastwise-qualified vessels, the Maritime Administration will require early notification as outlined in this section.

(a) *Registration of coastwise-qualified vessel for platform jacket transportation.* In January of each calendar year, the Maritime Administration will publish a notice in the **Federal Register** requesting that owners or operators or potential owners or operators of coastwise-qualified launch barges, or other interested parties notify the agency of:

(1) Their interest in participating in the transportation and, if needed, the launching or installation of offshore platform jackets;

(2) Provide the agency with their contact information; and,

(3) Provide specifications of any currently owned or operated coastwise-qualified launch barges or plans to construct same.

(b) *Registration requirement for transportation of platform jackets when non-coastwise-qualified vessels may be required.* When a current or potential owner or operator of any type of offshore exploration, development, or production structure expects to require the use of a non-coastwise-qualified vessel in the transportation of a platform jacket it must notify the Maritime Administration. Such notification must be on the earlier of either:

(1) The date of filing of the Development and Production Plan (DPP) or Development Operations Coordination Document (DOCD) with the Bureau of Ocean Energy Management, Regulation and Enforcement as required by 30 CFR 250.201; or

(2) A date not later than twenty-one (21) months before the proposed date of using a non-coastwise qualified vessel for transportation of a platform jacket.

(c) The early notification information to be provided to the Maritime Administration by a platform owner or operator shall include:

(1) A summary of technical details of the platform jacket to be transported and, if needed, launched or installed;

(2) The projected physical specification of a suitable vessel to be used in the project;

(3) The projected time period, and load and destination sites, for the platform jacket transportation; and

(4) Full contact information for the applicant and its representatives having decision-making authority with respect to the utilization of vessels for transportation and, if needed, the launching or installation of a platform jacket.

(d) The information in paragraphs (a), (b), and (c) of this section must be submitted either electronically to *cargo.MARAD@dot.gov* or delivered to the Secretary, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Any information that is business confidential must be so identified and accompanied by a justification for that characterization.

(e) The Maritime Administration will publish a list of potential coastwise-qualified launch barge owners/operators on the agency's Web site at *http://MARAD.dot.gov.* The Maritime Administration will publish a summary of early notification information delineated by paragraph (c) of this section on its Web site and also disseminate it to registered potential coastwise-qualified launch barge owners/operators and other interested parties.

§ 389.4 Application and fee.

(a) When, after surveying the market and discussing the platform project with potential coastwise-qualified vessel owners/operators, it appears that coastwise-qualified vessels will not be available for a project, the platform jacket owner/operator may apply to the Maritime Administration for a determination of non-availability and request authority to use a foreign launch barge.

(b) A complete application must be submitted to the Secretary, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590 at least 120 days prior to the proposed platform jacket transportation date.

(1) The Maritime Administration reserves the right to waive, reduce, or extend the time requirements based upon its evaluation of any national emergency or other relevant consideration.

(c) Applications must contain the information set forth in paragraphs (c) and (d) of this section and be accompanied by a statement signed by an officer of the applicant containing the following language:

"This application is made for the purpose of inducing the United States of America to grant a determination of non-availability of a coastwise-qualified vessel as set forth in 46 U.S.C. 55108. I have carefully examined the application and all documents submitted and, to the best of my knowledge, information and belief, the statements and representations contained in said application and related documents are full, complete, accurate and true. Further, I agree to pay any fees that result from the work required by this application.

Signature: _____

Name (typed): _____
Title: _____
Date: _____

(d) The applicant must submit a non-refundable check in the amount of $500 (Five Hundred Dollars) made payable to the Maritime Administration, which is a minimum fee and represents a deposit against any cost to the Government for processing the application. The applicant must also submit a signed statement (*see* paragraph (c) of this section) that it agrees to pay all such additional costs that will be invoiced by the Government. Government costs will be billed for actual staff hours spent at applicable hourly rates plus overhead, administrative and other associated costs.

(e) *Required platform jacket transportation project information.*

(1) Applications must include a general description of the transport, placement and/or launch project, including:

(i) A description of the platform jacket structure with launching weight, center of gravity, major dimensions, and a general arrangement plan,

(ii) The projected loading date and site,

(iii) The projected transportation date and destination site,

(iv) The names of potential coastwise-qualified vessel owners/operators contacted and their responses regarding suitability and availability of transportation vessels, and

(v) The technical merits and availability studies of coastwise-qualified vessels considered.

(2) Characteristics of the applicant's desired foreign launch barge, including, at a minimum, the following information:

(i) Name of the vessel,

(ii) Registered owner of the vessel,

(iii) Physical dimensions, deadweight capacity in long tons, ballasting capacities and arrangements, and launch capacity in long tons and arrangements,

(iv) Documentation showing classification as a launch barge by one of the following classification societies: American Bureau of Shipping (ABS), Bureau Veritas (BV), Lloyd's Register (LR), Germanischer Lloyd (GL), Det Norske Veritas (DNV) or Registro Italiano Navale (RINA).

(v) Date and place of construction of the foreign launch barge and (if applicable) rebuilding. If the applicant is unable to document the origin of the vessel, foreign construction will be assumed.

(vi) Name, address, e-mail address and telephone number of the foreign launch vessel owner.

(3) A signed statement that the applicant represents that the foregoing information is true to the best of the applicant's knowledge and belief, as required by paragraph (b) of this section.

(f) The Maritime Administration may require additional information from an applicant as part of the review process. The application will not be considered complete until the agency has received all required information.

§ 389.5 Review; issuance of determinations.

(a) The Maritime Administration will review each application for completeness, including evidence of prior notification and payment of the application fee. Applications will not be processed until deemed complete. The Maritime Administration will notify an applicant if additional information is necessary. The agency encourages submission of applications well in advance of project dates in order to allow sufficient time for review under this part.

(b) The Maritime Administration will review the information required by Section 389.4. When the application is deemed complete, the agency will publish a notice in the **Federal Register** describing the project and platform jacket involved, advising that all relevant information reasonably necessary to assess the transportation requirements will be made available to interested parties upon request. The notice will request that information on the availability of coastwise-qualified vessels be submitted within thirty (30) days after the publication date. The Maritime Administration will also notify coastwise-qualified owners/operators who have registered with per § 389.3.

(c) The Maritime Administration will review any submissions whereby an offeror owner or operator of a coastwise-qualified vessel asserts it is available and will facilitate discussions between the offeror and a platform jacket owner/operator who requires transportation services. If the parties are unable to reach agreement, the Maritime Administration will make a determination regarding vessel availability.

(d) If needed, the Maritime Administration's technical personnel will review data required by § 389.4. The data must be complete and current. Any data submitted will not be returned to an applicant and will be retained by the agency on file further to applicable record retention directives. Maritime Administration review will not substitute for the review or approval by a major classification society (ABS, BV, LR, GL, DNV, RINA). Maritime Administration review will not verify the accuracy or correctness of an applicant's engineering proposal; rather, it will only pertain to the general reasonableness and soundness of the technical approach.

(e) The Maritime Administration will disapprove the application if:

(1) The agency finds the applicant does not comply with requirements set forth by § 389.3 or § 389.4; or

(2) The agency finds that the applicant refused to attempt to obtain transportation services that comply with the Jones Act; or

(3) The agency determines a suitable coastwise-qualified vessel is reasonably available.

(f) The Maritime Administration will issue a determination of non-availability if it is determined that no suitable coastwise-qualified vessel is reasonably available.

(g) A determination will be issued within ninety (90) days from the date the application notice was published in the **Federal Register**.

(h) A determination of non-availability will expire one-hundred and twenty (120) days after the date of issuance, unless the agency provides an extension for good cause shown.

(i) Maritime Administration determinations in this regard should not be interpreted as a change setting new Federal maritime precedents. The Maritime Administration fully supports the Jones Act, the Passenger Vessel Services Act, and other Federal U.S.-flag requirements.

Dated: September 30, 2010.

By order of the Maritime Administrator.

Christine S. Gurland,

Secretary, Maritime Administration.

[FR Doc. 2010–25229 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–81–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 98–153 and 04–352; FCC 10–151]

Ultra-Wideband Transmission Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reaffirms certain rules and procedures for ultra-wideband ("UWB") devices that operate on an unlicensed basis of the Commission's rules. This action terminates the Ultra-Wideband

Transmission Systems proceeding and thus provides certainty for the continued development of UWB equipment, including ground penetrating radars for underground imaging, through wall imaging systems, short-range high capacity data links, and other applications.

DATES: Effective November 12, 2010.

FOR FURTHER INFORMATION CONTACT: Karen Ansari, Policy and Rules Division, Office of Engineering and Technology, (202) 418–2431, e-mail: *Karen.Ansari@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Memorandum Opinion and Order and Memorandum Opinion and Order,* ET Docket No. 98–153 and ET Docket No. 04–352, adopted August 10, 2010, and released August 11, 2010. The full text of this document is available on the Commission's Internet site at *http://www.fcc.gov.* It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The full text of this document also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St., SW., Room CY–B402, Washington, DC 20554; telephone (202) 488–5300; fax (202) 488–5563; e-mail *FCC@BCPIWEB.COM.*

Summary of the Third Memorandum Opinion and Order and Memorandum Opinion and Order

1. In this Third Memorandum Opinion and Order, the Commission dismisses as procedurally defective a Petition for Reconsideration filed by the Satellite Industry Association ("SIA") in response to the *Second Report and Order and Second Memorandum Opinion and Order* ("*Second R&O*" *and* "*Second MO&O*") in ET Docket No. 98–153, 70 FR 6771, February 9, 2005, that argues that the power level adopted for UWB devices is too high to protect C-band (3.7–4.2 GHz) fixed satellite service ("FSS") earth stations from interference. In this Memorandum Opinion and Order, the Commission also dismisses in part and denies in part a Petition for Reconsideration filed by SIA and denies a Petition for Reconsideration filed by Cingular Wireless LLC ("Cingular") (now AT&T) in response to the *Order* ("*Order*") in ET Docket No. 04–352. Both petitions argue that the waiver granted by the *Order* of the measurement procedures for UWB devices operating in the 3.1–5.03 GHz and 5.65–10.6 GHz bands would significantly increase the potential for interference to C-band fixed satellite and cellular operations.

Background

2. On February 14, 2002, the Commission adopted the *First Report and Order* ("*First R&O*") in ET Docket No. 98–153, 67 FR 34852, May 16, 2002, amending part 15 of its rules to permit the marketing and the unlicensed operation of products incorporating UWB technology. UWB devices operate in frequency bands that are allocated both to Federal and to non-Federal operations, including certain frequency bands where unlicensed devices generally are restricted from transmitting, *i.e.,* the restricted frequency bands, due to the extremely wide bandwidths UWB devices use. Consequently, before the Commission adopted its technical and operational rules for UWB devices, it evaluated several measured and simulated analyses regarding the potential for UWB devices to cause harmful interference to the authorized services.

3. Two additional orders were adopted in response to several Petitions for Reconsideration. On February 13, 2003, the Commission adopted a *Memorandum Opinion and Order and Further Notice of Proposed Rule Making* ("*MO&O*" *and* "*FNRPM*") in ET Docket No. 98–153, 68 FR 19746 and 68 FR 19773, April 22, 2003, addressing fourteen Petitions for Reconsideration of the *First R&O* and proposing changes to the UWB regulations. On December 15, 2004, the Commission adopted the *Second R&O and Second MO&O,* addressing the proposals in the *FNPRM* in addition to denying the Petitions for Reconsideration of the *MO&O* filed by Cingular and by SIA. In the *Second MO&O,* the Commission also addressed the interference analysis submitted by the Coalition of C-Band Constituents ("Coalition"). The Coalition had contracted with Alion Science and Technology ("Alion") to determine what, if any, interference potential exists to Fixed Satellite Service ("FSS") reception from UWB operation. The Commission found that the test report on this matter ("Alion Report") was based on multiple worst-case and unrealistic assumptions and provided no justification to warrant reducing the allowed UWB emission levels in the FSS frequency band.

4. On March 10, 2005, the Commission adopted an *Order* granting a waiver of the measurement procedures to permit emissions from UWB transmitters operating in the 3.1–5.03 GHz and 5.65–10.6 GHz bands that employ frequency hopping or stepped frequency modulation techniques, or that gate the transmitted signal, to be measured with the transmitter operating in its normal transmission mode. This action waived the UWB measurement requirements not only for Multi-band OFDM Alliance Special Interest Group ("MBOA–SIG") but also for any UWB device using hopped, stepped or sequenced modulation techniques or that gates the transmittal signal.

SIA Petition for Reconsideration of the Second MO&O

5. *I/N Level and Alion Report.* SIA asserts, as it has on previous occasions in this rulemaking proceeding, that the power limit adopted for UWB devices is not sufficient to protect C-band FSS earth stations from interference because, in devising this power limit, the Commission's analysis relied on a 0 dB interference-to-noise ratio ("I/N") for earth station receivers, which SIA states is too high. SIA also disagrees with the Commission's conclusion in the *Second MO&O* that the Alion interference study was based on multiple worst-case assumptions that were not realistic and thus did not support modifying the UWB power limits. SIA further asserts that the Commission's reliance on complaint procedures to protect FSS stations from interference from UWB devices, as discussed in the *Second MO&O,* is ineffective. Opposing comments were filed by Freescale Semiconductor, Inc. ("Freescale"), and joint supporting comments were filed by Fox Broadcasting Company, Fox Cable Networks and Home Box Office, Inc. ("Fox *et al.*").

6. While SIA states that its petition is a Petition for Recondiseration of the *Second R&O* and *Second MO&*O, it does not address any changes to the regulations that were adopted in the *Second R&*O portion of that document. SIA is essentially making the same arguments here that it made in its Petition for Reconsideration of the *Order,* asserting that the Alion Report supports the need to modify the UWB technical requirements. The Commission explained in the *Second MO&O* that its reasons for recalculating the analysis in the Alion study were based on its rejection of the application of a signal aggregation factor for UWB devices and its rejection of the assumption that most UWB devices would operate outdoors in proximity to FSS earth stations. As the Commission indicated in the Second MO&O, the inclusion of either of these factors was sufficient to demonstrate that there was no need to modify the UWB emission limits to protect FSS earth stations. SIA presents no new arguments or information in its Third Reconsideration

Petition—it merely disagrees with the Commission's analysis and conclusion. Further, SIA is essentially requesting reconsideration of an Order denying a petition for reconsideration. In that action, however, the Commission did not make any changes to the UWB regulations. Accordingly, pursuant to 47 CFR 1.429(i), the Commission is dismissing this portion of SIA's Third Reconsideration Petition as repetitious.

7. *Reliance on Complaint Procedure to Protect FSS.* SIA protests that the Commission's complaint procedures would not be effective for addressing claims of interference from UWB devices to FSS earth stations, and thus requests that the Commission modify the UWB power limits to reduce the likelihood of interference. SIA's concern is based on the Commission's statement in the *Second MO&O* that it will monitor the situation and will take whatever appropriate action is necessary to ensure that UWB operation does not result in harmful interference to FSS receivers. This statement was made in conjunction with the Commission's conclusion that the Alion Report did not justify a reduction in the UWB emission levels in the FSS frequency band, *i.e.,* that UWB devices were not a potential threat of harmful interference to FSS operations. The Commission's acknowledgement that it will continue to monitor this situation and investigate any interference complaints from unlicensed UWB devices to authorized services is consistent with Commission regulations and policies and is not by itself a basis for reconsidering the UWB emission limits that were adopted in the *First R&O.* Further, SIA's Third Reconsideration Petition is requesting reconsideration of an action that responded to a petition for reconsideration, but does not address any changes that were made to the UWB regulations. Accordingly, consistent with 47 CFR 1.429(i), the Commission is dismissing this portion of SIA's Third Reconsideration Petition.

SIA and Cingular Petitions for Reconsideration of the Order

8. When the Commission adopted its UWB regulations in 2002, it established standards that were technically neutral, permitting the use of any type of technology or modulation technique that resulted in the transmitter's compliance with the minimum bandwidth specification and the limits on radiated emissions. The Commission recognized in the *First R&O* that measurement procedures had not been established to address transmitters, UWB or otherwise, employing stepped frequency, frequency hopping, or swept frequency transmissions, and that their interference aspects had not been evaluated based on the different measurement results that would be obtained from measurements taken with the system operating in its normal operating mode. At the time the Commission adopted the UWB rules, its rules already required that frequency swept devices be measured with the frequency sweep stopped at the frequency chosen for the measurements reported. With respect to the *First R&O,* the Commission adopted a rule specifying measurement procedures for UWB devices using pulsed gated modulation schemes, which were under development at that time, requiring measurements to be made with the pulse train gated on if the transmitter is quiescent for intervals that are long compared to the nominal pulse repetition. The Commission, consistent with its existing regulations, also adopted a rule stating that it may consider alternative measurement procedures. The Commission stated, but did not codify in the rules, that UWB transmitters employing stepped frequency, frequency hopping, or swept frequency transmissions need to be measured with the step, hopping, or sweep function disabled and with the transmitter operating continuously at a fundamental transmission frequency.

9. Subsequent to the adoption of the UWB standards, on August 26, 2004, the MBOA–SIG filed a petition for waiver of the UWB measurement procedures as applied to UWB systems employing multiband orthogonal frequency division multiplexing ("MB–OFDM") modulation, which is a stepped or sequenced modulation scheme, operating in the 3.1–5.03 GHz and 5.65–10.6 GHz bands. MBOA–SIG requested a waiver of the measurement procedures for such systems, as discussed in paragraph 32 of the *First R&O.* MBOA–SIG also requested a waiver of the measurement procedure in 47 CFR 15.521(d), as adopted in the *First R&O,* for pulse gated systems to the extent that this rule applied to MB–OFDM systems. Freescale Semiconductor, Inc. ("Freescale"), which produces a UWB device based on a direct-sequence spreading of binary-phase-shift-keyed pulses ("DS–UWB") employing pulse gating techniques, requested that the Commission extend any waiver of the measurement rules and procedures to permit any UWB device to be measured in its normal operating mode so as to retain technical neutrality in the Commission's UWB regulations. In support of its request, MBOA–SIG submitted simulated and actual test data demonstrating that the interference potential of frequency hopped or stepped systems, measured in their normal operating modes, is less than that of a UWB transmitter employing impulse modulation. In addition, NTIA and the Commission developed detailed measurement procedures for frequency hopping and stepped frequency systems.

10. In reaching its decision to adopt the waiver, the Commission recognized that the interference aspects of a transmitter employing frequency hopping, stepped frequency modulation, or gating are quite similar, as viewed by a receiver, in that transmitters using these burst formats appear to the receiver to emit for a short period of time followed by a quiet period. The Commission thus concluded that any requirement to stop the frequency hop, band sequencing, or system gating serves only to add another unnecessary level of conservatism to already stringent UWB standards. Accordingly, the Commission granted a waiver of the measurement procedures, permitting the emissions from UWB transmitters that employ frequency hopping or stepped frequency modulation techniques, or that gate the transmitted signal, to be measured with the transmitter operating in its normal transmission mode. This allows the measurements to account for the time averaging during which the UWB emitter is not transmitting.

11. On April 11, 2005, Cingular and SIA filed Petitions for Reconsideration of the *Order* requesting that it be vacated. SIA also requested that operation of UWB devices under the terms of the *Order* not be allowed in the 3650–4200 MHz band used for satellite downlinks, pending the outcome of NTIA studies of interference from UWB devices to satellite digital television receivers in this band. Supporting comments were filed by Sprint Corporation ("Sprint") and supporting reply comments were filed by Cingular and by SIA. Opposing comments were filed by the WiMedia Alliance ("WiMedia-MBOA").

12. Cingular and SIA raise various objections to support their central argument that the waiver of the UWB measurement procedures will effectively and significantly increase the potential for harmful interference from UWB devices. SIA also argues that multiple studies demonstrate that the existing UWB power limits expose FSS receivers to unacceptable interference, and it continues to request the application of a -20 dB I/N as a protection requirement for FSS

operation. This portion of SIA's petition is merely a request to reconsider the standards adopted in the *First R&O.* The Commission rejects SIA's petition on this same issue. Because SIA's petition for reconsideration raises the same arguments as its earlier petition and does not address any decision made in the *Order,* the Commission dismisses this portion of its petition. The Commission discussed in paragraphs 17–19 of *Third MO&O and MO&O* the other arguments raised by Cingular and SIA in their petitions for reconsideration of the *Order* and conclude that the petitions offer no new evidence that would support vacating or changing the *Order.* Accordingly, these petitions are being denied.

13. *Argument that the waiver violated the Administration Procedure Act ("APA") and other statutes and eviscerates the rules.* The Commission concludes that the waiver of the measurement procedures for certain UWB devices does not constitute a rule in violation of the APA and that the waiver does not "eviscerate" the rules. Indeed, the Commission's action is entirely consistent with its rules. The Commission permits the use of alternative measurement procedures, provided the applicant can demonstrate that the requested procedure is reasonable. For example, the Commission's rules provide that the Commission will accept measurement data that meets various standards or procedures established and published by the Commission or recognized bodies as well as "any measurement procedure acceptable to the Commission * * * demonstrating compliance with [its] requirements * * *." The Commission's rule specifying measurement procedures for pulsed gated UWB devices, 47 CFR 15.521(d), also states that alternative measurement procedures may be considered by the Commission. Even if one considers the Commission's statements in the *First R&O* regarding measurement procedures for gated, stepped frequency, frequency hopping or swept frequency transmissions to be tantamount to a "published" measurement procedure, the Commission's rules clearly allow it to consider alternative measurement procedures for UWB devices without conducting a rulemaking proceeding.

14. While the Commission could have addressed the measurement procedure requested by MB–OFDM without a notice and comment proceeding, it believed that the prudent course of action was to analyze MBOA–SIG's request within the context of its waiver standard. It issued a Public Notice and entertained comments from interested parties. It is important to note that no changes were made to the emission standards on which the non-interference probability of UWB devices is based. Rather, the Commission relaxed an overly conservative measurement procedure that artificially constrained the emissions from UWB devices employing certain modulation types to levels that were effectively below the levels permitted under the regulations. Further, only the portion of 47 CFR 15.521(d) applicable to pulsed gated UWB devices was waived; the measurement procedure for swept frequency transmissions was not waived. Thus, the Commission's determination does not constitute "evisceration" of the rules.

15. It is a well-established principle that the Commission will waive its rules in specific cases only if it determines, after careful consideration of all pertinent factors, that such a grant would serve the public interest without undermining the policy which the rule in question is intended to serve. In the *Order* the Commission determined that permitting use of the new measurement procedures was in the public interest because it enabled a new technology to be introduced to the market to the benefit of businesses and consumers. In addition, the Commission demonstrated how granting the waiver would not undermine the policy which the rule is intended to serve, *i.e.,* the prevention of harmful interference to the authorized radio services. Test information evaluating the interference potential of these emission types, based on measurements performed with the equipment in its normal operating mode was submitted by MBOA–SIG. Through testing and interference analysis, MBOA–SIG provided convincing information that the application of these test procedures to systems employing MB–OFDM modulation would not result in an increased risk of harmful interference. In the *Order,* the Commission supplied a reasonable explanation as to why a similar application to DS–UWB systems also would not result in an increased risk of interference but would retain the technical neutrality of the UWB regulations. Thus, the Commission concludes that the waiver granted in the *Order* permitting UWB transmitters employing frequency hopping, stepped frequency or gated modulation techniques to be measured in their normal operating mode does not constitute a violation of the APA. Further, as the Commission has not amended its rules, the issuance of the subject waiver did not violate the Congressional Review Act or the Regulatory Flexibility Act. Accordingly, this portion of Cingular's petition is denied.

16. *Argument that the waiver increases the threat of harmful interference by 6 dB or more.* Cingular claims that the change in measurement procedures allowed by the waiver effectively will increase the power levels of UWB devices by 6 dB or more and will introduce additional interference that cannot be mitigated through error correction coding or other means. Cingular argues that the OFDM waveform addressed under the waiver was not envisioned during the original rulemaking, that there were no measurements or tests with this technology, and that the waiver deviates from the Commission's policy of proceeding cautiously with regulations. Cingular continues to contend that additional testing is needed to address the impact on wideband receivers. It argues that measurements or tests were not performed for the MB–OFDM system nor was there an analysis of interference potential. SIA states that because the Commission believed that the UWB emission limits were conservative, a view SIA does not share, it thought that additional interference could be permitted by granting the waiver.

17. The petitioners' arguments are based on a mistaken assertion that the UWB emission limits were somehow relaxed as a result of the waiver. The Commission did not change the emission levels for UWB devices in the *Order.* Instead, the Commission merely allowed the use of different measurement procedures that demonstrate, consistent with our rules, that the devices comply with the power limits for UWB devices.

18. The UWB limits on radiated emissions were based on extensive and extremely conservative analyses in the *First R&O* and on the supposition that a transmitter would operate continuously within a single frequency band. However, the MB–OFDM transmitter envisioned by MBOA–SIG hops to three different channel frequencies. The transmission duty cycle on a specific channel is 26 percent (5.9 dB). By requiring the emissions to be measured with the MB–OFDM transmitter operating continuously on the same operating frequency, the duty cycle per channel is artificially increased to 100 percent and an emission level is measured that is 5.9 dB higher than what would be obtained with the transmitter functioning in its normal operating mode. Thus, Cingular is not correct that the waiver permits the

UWB emission levels to increase by 6 dB or more. Rather, the measurement procedures described in the *First R&O* for this type of transmission scheme would require testing in an artificial operating mode that results in the actual emissions from the MB–OFDM transmitter being restricted to 5.9 dB below the limits specified in the rules. The effect of the waiver is to provide a more realistic representation of the signal level actually produced by the UWB device, permitting the UWB transmitters to function at the emission levels permitted by the regulations.

19. As stated in the *Order,* contrary to Cingular's claims, the MBOA–SIG members conducted simulated and actual testing of devices employing the MB–OFDM modulation format to demonstrate that, under normal operating conditions, there is no greater interference potential from an MB–OFDM UWB waveform than from an impulse-generated UWB waveform even when compliance with the emission limits is demonstrated with the frequency hop or step function active. The Commission stated that these results are consistent with the theory, as expressed by NTIA, that RMS measured emission levels are proportional to the measured bandwidth and the spectral power density, irrespective of pulse rate or modulation. Indeed, an integrated RMS measurement provides true average power readings, even for non-continuous signals such as frequency hopped UWB waveforms. Thus, the 6 dB potential increase claimed by Cingular will not be seen by a victim receiver and is irrelevant with regard to interference potential. Instead, the victim receiver will see the RMS average of that signal. This is the reason that the Commission adopted RMS average limits for UWB devices.

20. The Commission took a cautious approach throughout this proceeding, limiting the applications for UWB and adopting knowingly conservative emission limits. This approach was not contravened by the waiver since no changes were made to the emission masks. Cingular and SIA have provided no new information to support their claims of increased interference potential and no arguments which undermine our rationale in granting the waiver. Accordingly, these portions of Cingular's and SIA's Petitions for Reconsideration are denied.

21. *Argument that the Commission did not meaningfully respond to Cingular's comments.* In response to MBOA–SIG's waiver request, Cingular argued that the waiver could not be granted without tests comparing the measurements of transmissions from MBOA–SIG's proposed system that would result with and without the frequency hopping stopped. In the *Order,* the Commission concluded that the tests submitted by MBOA–SIG demonstrated that, under normal operating conditions, MBOA–SIG's proposed system does not increase the potential for interference relative to a UWB transmitter using impulse modulation. Based on that conclusion, the Commission concluded that there was no need for the additional testing recommended by Cingular.

22. In its Petition for Reconsideration, Cingular argues that the Commission failed to address its comments adequately because it did not conduct the tests that Cingular recommended. The Commission disagrees. The Commission considered the record fully, including Cingular's arguments, in determining whether additional testing was needed. The Commission also explained fully why it concluded that MBOA–SIG's proposed system did not increase the potential for interference relative to a UWB transmitter using impulse modulation, and that, therefore, the additional tests recommended by Cingular were unnecessary. Accordingly, we find that the Commission did consider Cingular's comments in this proceeding, and we are denying this portion of Cingular's petition.

23. Furthermore, the Commission continues to conclude that there was no justification to delay the outcome of this proceeding by requiring MBOA–SIG to perform the additional testing requested by Cingular in its comments responding to the MBOA–SIG Petition for Waiver. By proposing testing of MBOA–SIG's proposed system with the frequency hopping stopped, Cingular in effect advocated testing that system while artificially forced to operate at a 100 percent per channel duty cycle. MBOA–SIG's proposed system is designed to operate at a 26 percent per channel duty cycle. Testing such a system at a 100 percent duty cycle will show an emission level that is 5.9 dB higher than it would be at a 26 percent duty cycle. However, such a test would be irrelevant, as it would not reflect the actual operation of the equipment and would not be indicative of the interference potential of the UWB emissions

24. *Argument that the Commission gave no weight to Freescale's comments that contradicted the MBOA–SIG test results and the waiver was overbroad.* As stated in the *Order,* several of the comments contained technical discussions on whether or not the MB–OFDM modulation format resulted in greater or lesser interference than the DS–UWB format. However, the Commission added that this issue is not relevant to the request for waiver. What is important with regard to the waiver request is whether or not the MB–OFDM modulation format, when measured in the normal operating mode, has a sufficiently greater interference potential than a UWB transmitter employing impulse modulation so as to increase the risk of harmful interference. While the comments argued this issue based on different criteria, the Commission rejected as improbable the theoretical analyses that were performed assuming a zero background noise level, a zero bit error rate and a victim receiver with a bandwidth that is greater than the UWB band switching rate. Instead, it favored the analysis from MBOA–SIG as being representative of an actual operating system where the background noise level will mask a low level undesired signal and bit error rates are greater than zero. Based on this real-world analysis and actual measured test data submitted by MBOA–SIG, the Commission stated that it was clear that the interference potential of the MB–OFDM format, based on compliance with the rules being demonstrated with the frequency hop active, is no greater than that of an impulse UWB emission. Thus, contrary to the claims of the petitioners, the Commission did explain why it favored the MBOA–SIG analysis over that of the conflicting analysis from Freescale and did address the objections to the petition.

25. The Commission also disagrees with SIA's statement that any increase to the number of FSS symbols that potentially could be affected by interference due to the use of frequency hopping waveforms will also result in harmful interference. In adopting rules for UWB devices, the Commission chose to rely on emission limits as the tool for preventing harmful interference irrespective of the duty cycle of the UWB device or its specific modulation type. Because the waiver does not change the emission limits, the Commission concludes that the potential for harmful interference will not be increased. Neither SIA nor Cingular provided any new information demonstrating that the Commission erred in its decision.

26. The Commission also disagrees with SIA's argument that application of the waiver to all MB–OFDM devices and to DS–UWB devices was overbroad. NTIA's technical analyses clearly demonstrated that the average power of the transmitted signal, not its instantaneous power such as would be measured in a static mode, was the

appropriate basis for determining interference potential. Further, this reasoned analysis by the Commission allowed for continued technology-neutral treatment of various UWB design formats without undermining the policy which the rule is intended to serve, *i.e.,* the prevention of harmful interference to the authorized radio services. Based on the above information, the Commission therefore finds that these portions of SIA's and Cingular's Petitions for Reconsideration are without merit and are denied.

27. *Argument that Multiple devices operating in an area will synchronize and fill up the spectrum.* There is no evidence or valid analysis to support Cingular's claims that multiple, co-located UWB devices will synchronize their transmissions. Freescale did make such claims in its comments to MBOA–SIG's Petition for Waiver. However, this issue was specifically addressed by MBOA–SIG in its reply comments and by Texas Instruments in its *ex parte* comments. As they show in these findings, such synchronization would require nanosecond time-scale synchronization between devices—an improbable task, particularly if the devices were attempting to monitor the spectrum to determine open operating windows. These transmitters are thus uncoordinated and will employ different on-off starting times, and possibly different timing intervals, which will be further degraded by timing drifts between the devices. Further, the Commission has already demonstrated that SIA's claims of cumulative interference are misplaced. Even if synchronization were possible, the emissions from co-located transmitters with synchronized operations still would not be expected to add linearly at a victim receiver as slight differences in path lengths due to multipath and other factors would skew any synchronization as well as the levels of the received signals. If the Commission assumes the unlikely condition where an FSS receiver will receive signals from multiple UWB devices and that these UWB signals are synchronized with respect to reception by the FSS receiver and not by the UWB receiver, three devices operating simultaneously on the three channels would result in a maximum increase in the received level of approximately 4.8 dB. This is exactly the same increase that would be caused by three impulse devices operating under the same conditions. Therefore, waiving of the measurement rule would not increase the likelihood of aggregation.

28. The Commission finds that there is no evidence from the petitioners that UWB devices will synchronize or interleave their transmissions or that there will be any aggregate or cumulative effects from multiple UWB transmitters operating in the same area. Thus, no rule prohibiting such operation is necessary. Accordingly, these portions of Cingular's and SIA's Petitions for Reconsideration are denied.

29. *Argument that the Commission needs to exclude operation in the 3.65–4.2 GHz band under the waiver, just as it did in the 5.03–5.65 GHz band, pending completion of ITS testing.* The Commission delayed implementation of its waiver provisions on the 5.03–5.65 GHz band, pending completion of the ITS study, solely as a matter of deference to NTIA and not because of any demonstrated potential for harmful interference to these systems. Such action is within the Commission's discretion. When spectrum, such as the 5.03–5.65 GHz band, is allocated for use by Federal Government agencies, the Commission consults with NTIA on any proposed non-Federal use of that spectrum. However, when spectrum is allocated exclusively for non-Federal operations, the Commission has exclusive jurisdiction to interpret and apply interference analyses and studies in determining emission limits and operating parameters. Because the Commission had already determined in its rulemaking proceeding that there was no potential for harmful interference to FSS reception, there was no need to delay implementing the waiver in the 3.65–4.2 GHz FSS band.

30. In addition, the Commission notes that Microwave Landing Systems operate in the 5.03–5.65 GHz band, which are used for precision approach and landing of civilian and military aircraft. The Commission finds that it was a reasonable exercise of its discretion for the Commission to be more cautious with respect to MLS because of the public safety function that those systems serve. On the other hand, while we agree with SIA that commercial FSS merits protection from interference in the 3.65–4.2 GHz band, FSS generally does not serve the same public safety function as MLS. Accordingly, the Commission finds that it was a reasonable exercise of the Commission's discretion for it to conclude based on the record in the *Order* that granting MBOA–SIG's waiver request with respect to 3.65–4.2 GHz band would not create an unreasonable increase in the potential for interference to FSS in that band.

31. The Commission continues to maintain that FSS C-band receivers are more than adequately protected from UWB emissions, as shown in the various interference analyses when rational operating conditions are employed. This conclusion has been verified through the Alion interference study submitted by the C-band Coalition and through the analysis and real world tests performed by MBOA–SIG. Further, the completed ITS study, which analyzed whether there were discernible differences between different modulation formats that could be used in UWB devices, does not alter our conclusion that FSS C-band receivers are unlikely to suffer harmful interference from UWB emissions. Accordingly, this portion of SIA's Petition for Reconsideration is denied.

Ordering Clauses

32. Pursuant to Sections 4(i), 302, 303(f), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302, 303(f), 303(r), and 405, the Petition for Reconsideration from the Satellite Industry Association in response to the Commission's *Second Report and Order and Second Memorandum Opinion and Order* in ET Docket No. 98–153 *is dismissed*.

33. The Petition for Reconsideration from the Satellite Industry Association in response to the Commission's *Order* in ET Docket No. 04–352 *is dismissed* in part and *denied* in part. The Petition for Reconsideration from Cingular Wireless LLC in response to the Commission's *Order* in ET Docket No. 04–352 *is denied*.

34. The Commission will not send a copy of this Order, pursuant to the Congressional Review Act. The Memorandum Opinion Order does not change any rules; it reaffirms certain rules and procedures for ultra-wideband (UWB) devices that operate on an unlicensed basis under part 15 of the Commission's rules, and dismisses and denies Petitions for Reconsideration.

35. *It is further ordered* that ET Docket No. 98–153 and 04–352 *are terminated*.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2010–25591 Filed 10–8–10; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 593

[Docket No. NHTSA–2010–0125; Notice 2]

List of Nonconforming Vehicles Decided To Be Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations published in the **Federal Register** on Tuesday, September 21, 2010, (75 FR 57396) that revised the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation.

DATES: This correction is effective on October 12, 2010.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA, (202) 366–3151.

SUPPLEMENTARY INFORMATION: The final regulation contains a table listing vehicles manufactured for other than the Canadian market that NHTSA has decided are eligible for importation into the United States based on their capability of being modified to conform to all applicable FMVSS. The entry on this list for model year 1997–1998 Jeep Cherokee vehicles eligible for importation under vehicle eligibility number VSP–516 and the entry for model year 1997–2001 Jeep Cherokee vehicles eligible for importation under vehicle eligible number VSP–515 erroneously state that both left-hand drive (LHD) and right-hand drive (RHD) versions of those vehicles are eligible for importation. These entries are corrected to show that only the left-hand drive (LHD) version of the model year 1997–1998 Jeep Cherokee to which vehicle eligibility number VSP–516 pertains is eligible for importation, and that only the right-hand drive (RHD) version of the 1997–2001 Jeep Cherokee to which vehicle eligibility number VSP–515 pertains is eligible for importation.

List of Subjects in 49 CFR Part 593

Imports, Motor vehicle safety, Motor vehicles.

■ Accordingly, 49 CFR part 593 is corrected by making the following correcting amendments:

PART 593—DETERMINATIONS THAT A VEHICLE NOT ORIGINALLY MANUFACTURED TO CONFORM TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IS ELIGIBLE FOR IMPORTATION

■ 1. The authority citation for part 593 continues to read as follows:

Authority: 49 U.S.C. 322 and 30141(b); delegation of authority at 49 CFR 1.50.

Appendix A to Part 593—[Amended]

■ 2. Amend the table in Appendix A titled "Vehicles Manufactured for Other Than the Canadian Market" as follows:

■ a. In the entry for Jeep Cherokee, Model year 1997–1998 (VSP–516), revise the second column to read "Cherokee (LHD)".

■ b. In the entry for Jeep Cherokee, Model year 1997–2001 (VSP–515), revise the second column to read "Cherokee (RHD)".

Issued on: September 30, 2010.

Marilena Amoni,

Associate Administrator for the National Center for Statistics and Analysis.

[FR Doc. 2010–25484 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 0910131362–0087–02]

RIN 0648–XZ54

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 620 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2010 total allowable catch (TAC) of pollock for Statistical Area 620 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 6, 2010, through 2400 hrs, A.l.t., December 31, 2010.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2010 TAC of pollock in Statistical Area 620 of the GOA is 28,095 metric tons (mt) as established by the final 2010 and 2011 harvest specifications for groundfish of the GOA (75 FR 11749, March 12, 2010).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the 2010 TAC of pollock in Statistical Area 620 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 28,000 mt, and is setting aside the remaining 95 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in Statistical Area 620 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 5, 2010.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: October 6, 2010.

Carrie Selberg,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–25584 Filed 10–6–10; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 75, No. 196
Tuesday, October 12, 2010

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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2009–0086]

RIN 0579–AD26

Importation of Shepherd's Purse With Roots From the Republic of Korea Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations concerning the importation of fruits and vegetables to allow the importation of fresh shepherd's purse with roots from the Republic of Korea into the United States under a combination of mitigations to reduce the risk of introducing plant pests. As a condition of entry, the shepherd's purse would have to be produced in accordance with a systems approach that would include requirements for importation of commercial consignments, pest-free place of production, removal of soil, and inspection for quarantine pests by the national plant protection organization of the Republic of Korea. The shepherd's purse would also have to be accompanied by a phytosanitary certificate with an additional declaration stating that it was grown, packed, and inspected and found to be free of pests in accordance with the proposed requirements. This action would allow the importation of fresh shepherd's purse with roots from the Republic of Korea while continuing to protect against the introduction of plant pests into the United States.

DATES: We will consider all comments that we receive on or before December 13, 2010.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2009-0086* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2009–0086, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2009–0086.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy Wayson, Regulatory Coordination Specialist, PPQ, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–0627.

SUPPLEMENTARY INFORMATION:

Background

The regulations in "Subpart—Fruits and Vegetables" (7 CFR 319.56–1 through 319.56–50, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

The national plant protection organization (NPPO) of the Republic of Korea has requested that the Animal and Plant Health Inspection Service (APHIS) amend the regulations to allow fresh shepherd's purse with roots from the Republic of Korea to be imported into the United States. Currently, shepherd's purse without roots is authorized for entry into the United States from the Republic of Korea.[1]

As part of our evaluation of the Republic of Korea's request, we prepared a pest risk assessment (PRA), titled "Importation of Shepherd's Purse (*Capsella bursa-pastoris* (L.) Medik.) leaves and stems with roots from Republic of Korea into the United States, A Pathway-Initiated Risk Assessment" (October 2007). The PRA evaluated the risks associated with the importation of shepherd's purse into the United States from the Republic of Korea.

The PRA identified 11 pests of quarantine significance present in the Republic of Korea that could be introduced into the United States through the importation of fresh shepherd's purse with roots:

Insect pests:

- Sawfly (*Athalia rosae*)
- Leaf miner (*Chromatomyia horticola*)
- Turnip moth (*Agrotis segetum*)
- American bollworm moth (*Helicoverpa armigera*)
- Cabbage webworm moth (*Hellula undalis,* Fabricius)
- The cabbage moth (*Mamestra brassicae*)
- Oriental leafworm moth (*Spodoptera litura,* Fabricius)

Nematodes:

- *Hemicycliophora koreana*
- *Paratylenchus pandus*
- *Rotylenchus orientalis*
- *Rotylenchus pini*

Based on the information contained in the PRA, APHIS has determined that measures beyond standard port-of-entry inspection are required to mitigate the risks posed by these plant pests. To recommend specific measures to mitigate those risks, we prepared a risk management document (RMD). Copies of the PRA and RMD may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

Based on the recommendations of the RMD, we are proposing to allow the importation of shepherd's purse with roots from the Republic of Korea into the continental United States only if

[1] Conditions for the importation of shepherd's purse without roots from the Republic of Korea are listed in the Fruits and Vegetables Import Requirements database (available at *http://www.aphis.usda.gov/favir*) in accordance with § 319.56–4. The shepherd's purse from the Republic of Korea is also subject to the requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

they are produced in accordance with a systems approach. The systems approach we are proposing would require that the shepherd's purse with roots be:

- Grown in a pest-free place of production for quarantine nematodes,
- Free from soil,
- Imported in commercial consignments only, and
- Inspected by the NPPO of the Republic of Korea and found free of quarantine pests.

The shepherd's purse with roots from the Republic of Korea would also have to be accompanied by a phytosanitary certificate with an additional declaration stating that the shepherd's purse leaves and stems with roots in the consignment have been grown in a pest-free place of production for quarantine nematodes, have been inspected and found free of quarantine pests, and are free from soil.

We are proposing to add the systems approach to the regulations in a new § 319.56–51 governing the importation of shepherd's purse with roots from the Republic of Korea into the United States. The mitigation measures in the proposed systems approach are discussed in greater detail below.

Paragraph (a) of § 319.56–51 would require that shepherd's purse with roots be grown in places of production that are registered with the NPPO of the Republic of Korea and that have been determined free from nematodes. Their relatively small size makes the nematodes difficult to detect through regular inspections, so pest-free places of production are necessary. Fields must be certified free of the quarantine nematodes by sampling and microscopic inspection of the samples by the Korean NPPO. The sampling and inspection protocol must be preapproved by APHIS. APHIS will monitor the sampling and inspection records maintained by the Korean NPPO.

Paragraph (b) of § 319.56–51 would require that shepherd's purse with roots be free from soil. This would also help to prevent the introduction of nematodes and insect pests into the United States.

Paragraph (c) of § 319.56–51 would state that shepherd's purse with roots may be imported in commercial consignments only. Produce grown commercially is less likely to be infested with plant pests than noncommercial consignments. Noncommercial consignments are more prone to infestations because the commodity is often ripe to overripe and is often grown with little or no pest control. Commercial consignments, as defined in § 319.56–2, are consignments that an inspector identifies as having been imported for sale and distribution. Such identification is based on a variety of indicators, including, but not limited to: Quantity of produce, type of packaging, identification of grower or packinghouse on the packaging, and documents consigning the fruits or vegetables to a wholesaler or retailer.

Paragraph (d) of § 319.56–51 would require that each consignment of shepherd's purse with roots be accompanied by a phytosanitary certificate issued by the NPPO of the Republic of Korea with an additional declaration stating that the specific conditions of § 319.56–51 have been met.

The general requirements in the regulations in § 319.56–3 provide that all imported fruits and vegetables shall be inspected, and shall be subject to such disinfection at the port of first arrival as may be required by an inspector. Section 319.56–3 also provides that any shipment of fruits and vegetables may be refused entry if the shipment is so infested with plant pests that an inspector determines that it cannot be cleaned or treated. We believe that the proposed conditions described above, as well as all other applicable requirements in § 319.56–3, would be adequate to prevent the introduction of plant pests into the United States associated with fresh shepherd's purse leaves and stems with roots from the Republic of Korea.

We have determined that these risk management measures will provide an appropriate level of phytosanitary protection against pests of quarantine concern associated with fresh shepherd's purse leaves and stems with roots from the Republic of Korea.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We have prepared an initial regulatory flexibility analysis for this proposed rule. The analysis examines the potential economic effects of this action on small entities, as required by the Regulatory Flexibility Act. The analysis identifies domestic producers of shepherd's purse, and wholesalers that import fresh shepherd's purse as the small entities most likely to be affected by this action and considers the effects of increased imports of fresh shepherd's purse with roots.

The Republic of Korea does not keep official statistics on minor agricultural commodities such as shepherd's purse. However, production and export data have been gathered from farmers and wholesalers at Garak-tong market, one of the biggest wholesale agricultural markets in Seoul.[2] Based on these data, yearly sales of shepherd's purse at Garak-tong market have averaged 1,422 metric tons over the past 5 years. Most of the shepherd's purse production in the Republic of Korea is consumed domestically. During the same 5-year period, an average of only 298 kilograms per year were exported, i.e., 0.02 percent of reported production. Expected initial exports to the United States under this proposed rule as estimated by the NPPO of the Republic of Korea is 24 metric tons, which is far above the reported 2005–2009 export levels. Even with those higher export levels, based on the information presented in the analysis, we expect affected entities would experience minimal economic effects as a result of shepherd's purse with roots arriving in the United States from the Republic of Korea.

We invite comment on our initial regulatory flexibility analysis, which is posted with this proposed rule on the Regulations.gov Web site (*see* **ADDRESSES** above for instructions for accessing Regulations.gov) and may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT.**

Executive Order 12988

This proposed rule would allow fresh shepherd's purse with roots to be imported into the United States from the Republic of Korea. If this proposed rule is adopted, State and local laws and regulations regarding shepherd's purse with roots imported under this rule would be preempted while the plant is in foreign commerce. Fresh fruits are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping

[2] Yunhee Kim, Agricultural Specialist, USDA/APHIS, American Embassy, Seoul, South Korea. The Garak-tong market has 131 acres of covered space.

requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2009–0086. Please send a copy of your comments to: (1) Docket No. APHIS–2009–0086, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue, SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

APHIS is proposing to amend the regulations concerning the importation of fruits and vegetables to allow for the importation of fresh shepherd's purse with roots from the Republic of Korea into the United States under a combination of mitigations to reduce the risk of introducing a variety of pests. As a condition of entry, fresh shepherd's purse would have to be produced in accordance with a systems approach that would include requirements for importation of commercial consignments, pest-free place of production, and inspection for quarantine pests by the national plant protection organization (NPPO) of the Republic of Korea.

Implementing this rule would require the completion of a phytosanitary certificate, inspections, and recordkeeping. We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, (such as 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.).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.53928 hours per response.

Respondents: Importers; national plant protection organization of the Republic of Korea.

Estimated annual number of respondents: 30.

Estimated annual number of responses per respondent: 9.333.

Estimated annual number of responses: 280.

Estimated total annual burden on respondents: 151 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

2. A new § 319.56–51 is added to read as follows:

§ 319.56–51 Shepherd's purse with roots from the Republic of Korea.

Shepherd's purse (*Capsella bursa-pastoris* (L.) Medick) with roots from the Republic of Korea may be imported only under the following conditions:

(a) The shepherd's purse with roots must be grown in a pest-free place of production that is registered with the national plant protection organization (NPPO) of the Republic of Korea. Fields must be certified free of the quarantine nematodes *Hemicycliophora koreana, Paratylenchus pandus, Rotylenchus orientalis,* and *Rotylenchus pini* by sampling and microscopic inspection of the samples by the NPPO of the Republic of Korea. The sampling and inspection protocol must be preapproved by APHIS.

(b) The shepherd's purse with roots must be free from soil.

(c) The shepherd's purse with roots must be imported in commercial shipments only.

(d) Each consignment of shepherd's purse with roots must be accompanied by a phytosanitary certificate of inspection issued by the NPPO of the Republic of Korea stating that the shipment has been inspected and found free of quarantine pests with an additional declaration stating that the shepherd's purse with roots has been produced and inspected in accordance with the requirements of 7 CFR 319.56–51.

Done in Washington, DC, this 5th day of October 2010.

Gregory Parham,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–25556 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 117 and 121

[Docket No. FAA–2009–1093; Notice No. 10–11]

RIN 2120–AJ58

Flightcrew Member Duty and Rest Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of procedures for submission of clarifying questions.

SUMMARY: The FAA published a proposed rule on September 14, 2010, to amend its existing flight, duty and rest regulations applicable to certificate holders and their flightcrew members. The FAA has received requests from stakeholders to provide a forum during the comment period where they can pose clarifying questions and receive answers to them. In response to these requests, the FAA is issuing this notice, which includes the procedures for handling clarifying questions to the proposed rule.

DATES: You must submit your clarifying questions in writing using the procedures outlined below by October 15, 2010. The FAA anticipates responding to these submissions by October 22, 2010. Comments on the proposed rule must be received on or before November 15, 2010.

ADDRESSES: See the "Procedures for Filing Clarifying Requests" section of this notice.

FOR FURTHER INFORMATION CONTACT: See the "Procedures for Filing Clarifying Requests" section of this notice.

SUPPLEMENTARY INFORMATION:

Background

On September 14, 2010, the FAA published a notice of proposed rulemaking (NPRM) entitled "Flightcrew Member Duty and Rest Requirements" (75 FR 55852). The proposed regulation recognizes the growing similarities between the types of operations and the universality of factors that lead to fatigue in most individuals. Fatigue threatens aviation safety because it increases the risk of pilot error that could lead to an accident. The new requirements, if adopted, would eliminate the current distinctions between domestic, flag and supplemental operations. The proposal provides different requirements based on the time of day, whether an individual is acclimated to a new time zone, and the likelihood of being able to sleep under different circumstances. The comment period closes November 15, 2010.

Since the docket opened, the FAA has received numerous requests for technical clarification of the proposed rulemaking. The FAA believes that it makes sense to provide additional clarity where comenters believe the draft regulatory text is unclear or omits pertinent information. For example, one commenter noted that there is a cross-reference to the existing flight crewmember regulations in the regulations governing flight and duty time for flight attendants. By dropping all of the part 121 flight crewmember flight and duty regulations, that cross-reference would no longer make sense, and it would be unclear whether the provision still had any validity.

To the extent possible, the FAA believes there is value in providing greater technical clarity while the comment period is still open. This clarity will allow interested parties to focus on the policy implications of the proposal without spending undue amounts of time trying to figure out how the rule, if implemented, would be implemented or interact with other regulatory requirements. The FAA also believes that there should be a cut-off for consideration of these technical issues so that commenters know with certainty how these issues are resolved before they finalize their comments.

Accordingly, the FAA requests that all requests for clarification be submitted to the docket no later than October 15, 2010. The FAA anticipates responding to requests that are truly clarifying in nature by October 22, 2010, a full three weeks before the close of the comment period. To the extent a request raises policy considerations that are more appropriately resolved after the public has been given a full opportunity to comment, the FAA anticipates addressing those comments in a final rule.

Procedures for Filing Clarifying Requests

The below procedures are not a substitute for filing substantive questions and comments to the proposed rule. The procedures for submitting those types of comments are discussed in the NPRM. Commenters should follow those procedures to file their substantive questions and comments by November 15, 2010.

If you wish to submit a request to the FAA for clarification of the NPRM (Docket Number FAA–2009–1093) before the comment period closes, you must send your request using the below method by October 15, 2010.

1. Post your request on the Federal eRulemaking Portal. To access this electronic docket, go to *http://www.regulations.gov,* enter Docket Number FAA 2009–1093, and follow the online instructions for sending your request electronically.

2. In addition to sending your request to the electronic docket, send a copy via e-mail to the subject matter expert as noted below.

- *Technical Clarifications:* Dale E. Roberts, Air Transportation Division, Flight Standards Service, Federal Aviation Administration; e-mail *dale.e.roberts@faa.gov*.
- *Legal Clarifications:* Rebecca MacPherson, Office of the Chief Counsel, Regulations Division, Federal Aviation Administration; e-mail *rebecca.macpherson@faa.gov*.
- *Cost/Benefit Clarifications:* Peter Ivory, Office of Aviation Policy & Plans, Federal Aviation Administration; e-mail *peter.ivory@faa.gov*.

The FAA will reply to requests for clarification to the NPRM if submitted by October 15, 2010. We will respond directly to you and post the response in the docket established for this rulemaking. We anticipate providing our response by October 22, 2010.

Issued in Washington, DC, on October 6, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. 2010–25678 Filed 10–7–10; 11:15 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404, 405, and 416

[Docket No. SSA–2007–0053]

Compassionate Allowances for Cardiovascular Disease and Multiple Organ Transplants, Office of the Commissioner, Hearing

AGENCY: Social Security Administration.

ACTION: Announcement of public hearing.

SUMMARY: We are considering ways to quickly identify diseases and other serious medical conditions that obviously meet the definition of disability under the Social Security Act (Act) and can be identified with minimal objective medical information. We are calling this method "Compassionate Allowances." In December 2007, April 2008, November 2008, July 2009, and November 2009, we held Compassionate Allowance public hearings. These hearings concerned rare diseases, cancers, traumatic brain injury and stroke, early-onset Alzheimer's disease and related dementias, and schizophrenia, respectively. This hearing is the sixth in the series. The purpose of this hearing is to obtain your views about the advisability and possible methods of identifying and implementing compassionate allowances for both adults and children with cardiovascular diseases and multiple organ transplants. We plan to address other medical conditions at subsequent hearings.

DATES: This hearing will be held on November 9, 2010, between 8:30 a.m. and 5 p.m., Eastern Standard Time (EST), in Baltimore, MD. The hearing will be held on the campus of the University of Maryland, Baltimore County in the University Center Ballroom. The university's address is 1000 Hilltop Circle, Baltimore, MD 21250. While the public is welcome to attend the hearing, only invited witnesses will present testimony. You may also watch the proceedings live via Webcast beginning at 9 a.m., Eastern Standard Time (EST). You may access the Webcast line for the hearing on the Social Security Administration Web site

at *http://www.socialsecurity.gov/compassionateallowances/*.

ADDRESSES: You may submit written comments about the compassionate allowances initiative with respect to adults and children with cardiovascular disease and multiple organ transplants, as well as topics covered at the hearing by:

(1) e-mail addressed to *Compassionate.Allowances@ssa.gov;* or (2) mail to Jamillah Jackson, Deputy Director, Office of Compassionate Allowances and Disability Outreach, ODP, ORDP, Social Security Administration, 4671 Annex Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. We welcome your comments, but we may not respond directly to comments sent in response to this notice of hearing.

FOR FURTHER INFORMATION CONTACT: *Compassionate.Allowances@ssa.gov*. You may also mail inquiries about this hearing to Jamillah Jackson, Deputy Director, Office of Compassionate Allowances and Disability Outreach, ODP, ORDP, Social Security Administration, 4671 Annex Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. For information on eligibility or filing for benefits, call our national toll-free number 1–800–772–1213 or TTY 1–800–325–0778, or visit Social Security online, at *http://www.socialsecurity.gov*.

SUPPLEMENTARY INFORMATION:

Background

Under titles II and XVI of the Act, we pay benefits to individuals who meet our rules for entitlement and have medically determinable physical or mental impairments that are severe enough to meet the definition of disability in the Act. The rules for determining disability can be very complicated, but some individuals have such serious medical conditions that their conditions obviously meet our disability standards with minimal objective medical evidence alone. To better address the needs of these individuals, we are looking into ways to allow benefits as quickly as possible based on minimal objective medical information.

Will We Respond to Your Comments?

We will carefully consider your comments, although we will not respond directly to comments sent in response to this notice or the hearing.

Additional Hearings

We have held five hearings since December 2007. These hearings were on rare diseases, cancers, traumatic brain injury and stroke, early-onset Alzheimer's disease and related dementias and schizophrenia. You may access the transcripts of the hearings at *http://www.socialsecurity.gov/compassionateallowances/*. We plan to hold additional hearings on other conditions and will announce those hearings later with notices in the **Federal Register**.

(Catalog of Federal Domestic Assistance Programs Nos. 96.001, Social Security—Disability Insurance; 96.006, Supplemental Security Income.)

Michael J. Astrue,

Commissioner of Social Security.

[FR Doc. 2010–25503 Filed 10–8–10; 8:45 am]

BILLING CODE 4191–02–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2010–3]

Refunds Under the Cable Statutory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: The Copyright Office published in the **Federal Register** of October 4, 2010, a notice of proposed rulemaking concerning refunds under the cable statutory license. This document corrects the date for submitting reply comments.

FOR FURTHER INFORMATION CONTACT: Ben Golant, Assistant General Counsel, and Tanya M. Sandros, Deputy General Counsel, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

Correction

In proposed rule RM 2010–3, make the following correction in the Dates section. On page 61117 in the 2nd column, correct the **DATES** caption to read:

DATES: Written comments must be received in the Office of the General Counsel of the Copyright Office no later than November 3, 2010. Reply comments must be received in the Office of the General Counsel of the Copyright Office no later than December 3, 2010.

Dated: October 6, 2010.

Tanya Sandros,

Deputy General Counsel, U.S. Copyright Office.

[FR Doc. 2010–25652 Filed 10–8–10; 8:45 am]

BILLING CODE 1410–30–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 0907271173–0475–02]

RIN 0648–AY11

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 17B

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 17B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP), as prepared and submitted by the South Atlantic Fishery Management Council (Council). This proposed rule would, for South Atlantic snapper-grouper, establish annual catch limits (ACLs), and accountability measures (AMs) for eight snapper-grouper species undergoing overfishing; modify management measures to limit total mortality of those species to the ACL; and add ACLs, annual catch targets (ACTs), and AMs to the management measures that may be amended via the framework procedure. This proposed rule is intended to address overfishing of eight snapper-grouper species while maintaining catch levels consistent with achieving optimum yield.

DATES: Written comments on this proposed rule must be received no later than 5 p.m., Eastern Time, on November 26, 2010.

ADDRESSES: You may submit comments, identified by RIN 0648–AY11, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal *http://www.regulations.gov.*
- *Mail:* Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: No comments will be posted for public viewing until after the

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

To submit comments through the Federal e-Rulemaking Portal: *http://www.regulations.gov,* enter "NOAA–NMFS–2010–0091" in the keyword search, then check the box labeled "Select to find documents accepting comments or submissions", then select "Send a Comment or Submission." NMFS will accept anonymous comments. Enter N/A in the required field if you wish to remain anonymous. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

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

Copies of Amendment 17B may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place, Suite 201, North Charleston, SC 29405; *phone:* 843–571–4366 or 866–SAFMC–10 (toll free); *fax:* 843–769–4520; *e-mail: safmc@safmc.net.* Amendment 17B includes an Environmental Assessment (EA), an Initial Regulatory Flexibility Analysis (IRFA), a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Statement.

FOR FURTHER INFORMATION CONTACT: Kate Michie, *telephone:* 727–824–5305.

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

Background

The 2006 revisions to the Magnuson-Stevens Act require that by 2010, FMPs for the fisheries determined by the Secretary to be subject to overfishing must establish a mechanism of specifying ACLs at a level that prevents overfishing and does not exceed the fishing level recommendation of the respective Council's Scientific and Statistical Committee or other established peer review processes.

In the South Atlantic snapper-grouper fishery there are nine species currently undergoing overfishing including: speckled hind, warsaw grouper, snowy grouper, golden tilefish, black sea bass, red grouper, gag, vermilion snapper, and red snapper. Amendment 17B includes actions to establish ACLs for eight of these species, as well as black grouper, which is neither overfished nor undergoing overfishing. Red snapper overfishing is being addressed separately in Amendment 17A to the FMP.

An ACL is the level of annual catch of a stock or stock complex that is set to prevent overfishing from occurring. An ACL that is met or exceeded serves the basis for triggering an AM. ACLs may incorporate management and scientific uncertainty, and take into account the amount of data available and level of vulnerability to overfishing for each species. Separate ACLs may be established for each sector of a fishery, i.e., commercial and recreational. However, the combined total of all sector ACLs may not exceed the total ACL for a species or species complex.

Management Measures Contained in This Proposed Rule

Speckled Hind and Warsaw Grouper

ACLs

For specked hind and warsaw grouper, the proposed ACL is zero (landed catch). This ACL would prohibit all harvest and possession of speckled hind and warsaw grouper regardless of the depth where they are caught. In order to maintain an ACL of zero for these two species, all fishing for and possession of deepwater snapper-grouper species (snowy grouper, blueline tilefish, yellowedge grouper, misty grouper, queen snapper, and silk snapper) would be prohibited beyond a depth of 240 ft (73 m). By prohibiting harvest and possession of these co-occurring species, fishing mortality of speckled hind and warsaw grouper is expected to decrease.

Golden Tilefish

Allocations

In order to set sector ACLs for golden tilefish, the Council first designated appropriate sector allocations for the species. The recreational and commercial allocations were based on landings data from the Accumulated Landings System, Marine Recreational Fishing Statistics Survey, and headboat databases. The allocations would be defined using the following formula for each sector: Sector apportionment = (50 percent * average of long catch range (lb) 1986–2008) + (50 percent * average of recent catch trend (lb) 2006–2008). The allocation would be 97 percent commercial and 3 percent recreational.

Amendment 15B defined MSY as the yield produced by F_{MSY} (fishing mortality at maximum sustainable yield), which is considered a fixed fishing exploitation rate. The value of maximum sustainable yield (MSY) for golden tilefish is 300, 379 lb (136, 250 kg) gutted weight. Beginning in 2010, and corresponding to the yield at F_{MSY}, the commercial allocation would be 291,369 lb (132,160 kg) gutted weight and the recreational allocation would be 1,625 fish (derived from 9,011 lb (4,078 kg)). The conversion rate of recreational pounds to the number of fish is 5.545. The commercial and recreational allocations specified in 2010 would remain in effect beyond 2010 until modified.

ACLs

Separate ACLs are proposed for the commercial and recreational sectors for golden tilefish. The ACLs would be based on the yield associated with F_{OY} (fishing mortality at optimum yield). Amendment 15B defined optimum yield (OY) as the yield at 75 percent of F_{MSY}, which is equal to F_{OY}. Therefore, the commercial and recreational ACLs would be reduced from the allocation values of 291,369 lb (132,160 kg) gutted weight, and 1,625 fish, respectively, to 282,819 lb (128,284 kg) gutted weight, and 1,578 fish, respectively.

AMs

Proposed AMs for golden tilefish would be applied separately for each sector. The commercial sector AM for golden tilefish is the previously-implemented quota closure provision that would prohibit the harvest and possession of golden tilefish when the ACL is met or projected to be met. All purchase and sale would then be prohibited, and the prohibition on harvest would apply to all federally permitted vessels regardless of where the golden tilefish are caught, i.e., in state or Federal waters. If the recreational ACL is met or exceeded, the post-season AM for golden tilefish would reduce the length of the following fishing season by the amount necessary to ensure landings do not exceed the recreational sector ACL in the following fishing year. For this post-season AM, NMFS would compare the recreational ACL with recreational landings over a range of years. For 2010, only 2010 landings would be used. For 2011, average landings for 2010 and 2011 would be used. For 2012 and beyond, the most recent 3-year running average would be used.

Snowy grouper

ACLs

The commercial quota and recreational allocation for snowy grouper established in Amendment 15B to the FMP would be designated as the commercial and recreational ACLs, respectively, for snowy grouper through Amendment 17B. The snowy grouper ACL would be 82,900 lb (37,603 kg) gutted weight, and the recreational ACL for snowy grouper would be 523 fish.

AMs

The commercial sector AM for snowy grouper is the previously-implemented quota closure provision that would prohibit the harvest and possession of snowy grouper when the ACL is met or projected to be met. All purchase and sale would then be prohibited, and the prohibition on harvest would apply to all federally permitted vessels regardless of where the snowy grouper are caught, *i.e.,* in state or Federal waters.

In order to maintain the snowy grouper harvest level at or below the recreational ACL, the recreational AM would reduce the snowy grouper bag limit from one fish per person per day to one fish per vessel per day. If the recreational ACL is met or exceeded, the post-season AM for snowy grouper would be to reduce the length of the following fishing season by the amount necessary to ensure landings do not exceed the recreational sector ACL in the following fishing year. For this post-season AM, NMFS would compare the recreational ACL with recreational landings over a range of years. For 2010, only 2010 landings would be used. For 2011, average landings for 2010 and 2011 would be used. For 2012 and beyond, the most recent 3-year running average would be used.

Gag

ACLs

The commercial quota and recreational allocation for gag established in Amendment 16 to the FMP would be designated as the commercial and recreational ACLs, respectively, for gag through Amendment 17B. The commercial ACL for gag would be 352,940 lb (160,091 kg) gutted weight, and the recreational ACL for gag would be 340,060 lb (154,249 kg) gutted weight.

AMs

The commercial AM for gag is the previously-implemented quota closure provision that would prohibit the harvest and possession of gag when the ACL for the species is met or projected to be met. All purchase and sale would then be prohibited, and the prohibition on harvest would apply to all federally permitted vessels regardless of where the gag are caught, *i.e.,* in state or Federal waters. The recreational AM for gag would compare the recreational ACL for the species with landings over a range of years. For 2010, only 2010 landings would be used. For 2011, 2010 and 2011 landings would be used. For 2012 and beyond, a 3-year running average would be used. If gag are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and the sector ACL is met or projected to be met, harvest and retention of the species would be prohibited. If the sector ACL is exceeded, independent of stock status, the NMFS Assistant Administrator (AA) would file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the sector ACL for that fishing year by the amount of the overage.

Gag, Black and Red Grouper Aggregate

ACLs

A species group ACL is proposed for gag, black grouper, and red grouper. The commercial species group ACL or the gag commercial ACL would be used to trigger an AM for the species group. The species group commercial ACL for gag, black grouper, and red grouper combined would be 662,403 lb (300,461 kg) gutted weight, and the species group recreational ACL would be 648,663 lb (294,229 kg) gutted weight. These values are equivalent to the expected catch resulting from the implementation of the commercial quota for gag (designated as the commercial ACL in Amendment 17B) and the bag limits for black and red grouper specified in Amendment 16 to the FMP.

AMs

When either the gag ACL or the gag, black grouper, and red grouper aggregate ACL is met or projected to be met, commercial harvest and possession of all South Atlantic shallow-water groupers (gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney) would be prohibited. Additionally, all purchase and sale of shallow-water groupers would be prohibited when the ACL is met or projected to be met, and the prohibition on harvest would apply to all federally permitted vessels regardless of where the gag, black grouper, and red grouper are caught, *i.e.,* in state or Federal waters. The recreational AM for gag, black grouper and red grouper would compare the recreational ACL for the species group with landings over a range of years. For 2010, only 2010 landings would be used. For 2011, 2010 and 2011 landings would be used. For 2012 and beyond, a 3-year running average would be used. If one of these species is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and the group recreational ACL is met or projected to be met, harvest and retention of the species group would be prohibited. If the group recreational ACL is exceeded, independent of stock status, the AA would file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the group ACL for that fishing year by the amount of the overage.

Black Sea Bass

ACLs

The commercial quota and recreational allocation for black sea bass established in Amendment 13C to the FMP would be designated as the commercial and recreational ACLs, respectively, for black sea bass through Amendment 17B. The commercial ACL for black sea bass would be 309,000 lb (140,160 kg) gutted weight, and the recreational ACL for black sea bass would be 409,000 lb (185,519 kg) gutted weight.

AMs

The commercial AM for black sea bass is the previously-implemented quota closure provision that would prohibit harvest and possession of black sea bass when the ACL for the species is met or projected to be met. All purchase and sale would then be prohibited, and the prohibition on harvest would apply to all federally permitted vessels regardless of where the black sea bass are caught, *i.e.,* in state or Federal waters. The recreational AM for black sea bass would compare the recreational ACL for the species with landings over a range of years. For 2010, only 2010 landings would be used. For 2011, 2010 and 2011 landings would be used. For 2012 and beyond, a 3-year running average would be used. If black sea bass are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and the sector ACL is met or projected to be met, harvest and retention of the species would be prohibited. If the sector ACL is exceeded, independent of stock status, the AA would file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the sector ACL for that fishing year by the amount of the overage.

Vermilion Snapper

ACLs

The commercial quota and recreational allocation for vermilion snapper established in Amendment 16 to the FMP would be designated as the commercial and recreational ACLs, respectively, for vermilion snapper through Amendment 17B. The commercial ACL for vermilion snapper would be 315,523 lb (143,119 kg) gutted weight (January–June) and 302,523 lb (137,222 kg) gutted weight (July–December), and the recreational ACL for vermilion snapper would be 307,315 lb (139,396 kg) gutted weight.

AMs

The commercial AM for vermilion snapper is the previously-implemented quota closure provision that would prohibit harvest and possession of vermilion snapper when the ACL for the species is met or projected to be met. All purchase and sale would then be prohibited, and the prohibition on harvest would apply to all federally permitted vessels regardless of where the vermilion snapper are caught, *i.e.,* in state or Federal waters. The recreational AM for vermilion snapper would compare the recreational ACL for the species with landings over a range of years. For 2010, only 2010 landings would be used. For 2011, 2010 and 2011 landings would be used. For 2012 and beyond, a 3-year running average would be used. If vermilion snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and the sector ACL is met or projected to be met, harvest and retention of the species would be prohibited. If the sector ACL is exceeded, independent of stock status, the AA would file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the sector ACL for that fishing year by the amount of the overage.

Framework Procedure Modifications

To facilitate timely adjustments to National Standard 1 harvest parameters, the Council has added the ability to adjust ACLs and AMs, and establish and adjust target catch levels, including ACTs, to the current framework procedures. These adjustments or additions may be accomplished through a regulatory amendment which is less time intensive than an FMP amendment. By including ACLs, AMs, and ACTs in the framework procedure for specifying total allowable catch, the Council and NMFS would have the flexibility to expeditiously alter those harvest parameters as new scientific information becomes available.

Availability of Amendment 17B

Additional background and rationale for the measures discussed above are contained in Amendment 17B. The availability of Amendment 17B was announced in the **Federal Register** on September 22, 2010, (75 FR 57734). Written comments on Amendment 17B must be received by November 22, 2010. All comments received on Amendment 17B or on this proposed rule during their respective comment periods will be addressed in the preamble to the final rule.

Additional Measures Contained in This Proposed Rule

The final rule for Amendment 15B to the FMP, published on November 16, 2009 (75 FR 58902), added regulatory language in § 622.45(d)(1) that states, "South Atlantic snapper-grouper harvested or possessed in the EEZ on board a vessel that does not have a valid commercial permit for South Atlantic snapper-grouper, as required under § 622.4(a)(2)(vi), * * * may not be sold or purchased." However, this requirement was inadvertently not codified in the permits section, under § 622.4(a)(2)(vi), at that time. This rule proposes to revise ' 622.4(a)(2)(vi) with the regulatory language that should have been added through the final rule for Amendment 15B.

This rule also proposes to revise regulatory language in § 622.9 that was implemented in the final rule for Amendment 7 to the FMP for the Shrimp Fishery in the South Atlantic Region (Shrimp FMP) (74 FR 50699, October 1, 2009). The final rule removed the requirement for a limited access endorsement to fish for and possess South Atlantic rock shrimp. The endorsements expired on January 27, 2010. However, the regulatory language contained in § 622.9(a)(1) did not include this expiration date, and there was some confusion among stakeholders as to whether rock shrimp fishermen were still required to have the endorsement. This rule proposes to remove reference to the requirement for the rock shrimp endorsement in the VMS regulations because the endorsement is no longer required for this fishery.

These additional revisions are unrelated to the actions contained in Amendment 17B.

Classification

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

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

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

The proposed rule would introduce several changes to the management of the South Atlantic snapper-grouper fishery. This rule would establish an ACL of zero for speckled hind and warsaw grouper and prohibit fishing for and possession of snowy grouper, blueline tilefish, yellowedge grouper, warsaw grouper, speckled hind, misty grouper, queen snapper, and silk snapper beyond a depth of 240 ft (73 m). This rule would establish a 97 percent commercial and 3 percent recreational allocation of golden tilefish. This rule would establish a commercial ACL (quota) for golden tilefish of 282,819 lb (128,284 kg) gutted weight and recreational ACL of 1,578 fish based on the chosen allocation for golden tilefish. The commercial AM for golden tilefish would be to prohibit the harvest, possession, purchase, and sale of golden tilefish after the quota is met or projected to be met. The recreational AM is specified as follows: if the ACL is exceeded, the AA shall publish a notice to reduce the length of the following fishing season by the amount necessary to ensure landings do not exceed the sector ACL in the following fishing year. The recreational ACL would be compared to recreational landings using only 2010 landings for 2010, an average of 2010 and 2011 landings for 2011, and a 3-year average of landings for 2012 and beyond. This rule would establish a recreational daily bag limit of one snowy grouper per vessel, with a recreational ACL of 523 fish and a recreational AM specified as follows: If the ACL is exceeded, the AA shall publish a notice to reduce the length of the following fishing season by the amount necessary to ensure landings do not exceed the sector ACL in the

following fishing year. The recreational ACL would be compared to recreational landings using only 2010 landings for 2010, an average of 2010 and 2011 landings for 2011, and a 3-year average of landings for 2012 and beyond. This rule would establish an aggregate ACL (quota) for gag, black grouper, and red grouper of 662,403 lb (300,461 kg) gutted weight (commercial) and 648,663 lb (294,229 kg) gutted weight (recreational). This rule, however, would retain the commercial ACL (quota) for gag or 352,940 lb (160,091 kg) gutted weight and recreational ACL for gag of 340,060 lb (154,249 kg) gutted weight. This rule would prohibit the commercial possession of shallow-water groupers (gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney) when the gag ACL (currently at 352,940 lb (160,091 kg) gutted weight) or the aggregate gag, black grouper, and red grouper ACL is met or projected to be met. This rule would implement recreational AMs for black grouper, black sea bass, gag, red grouper, and vermilion snapper as follows: If one of these species is determined to be overfished and the species ACL or group ACL is met or projected to be met, prohibit the harvest and retention of the species or species group. If the ACL is exceeded, independent of stock status, the AA shall publish a notice to reduce the species ACL or group ACL in the following fishing season by the amount of the overage. The recreational species ACL or group ACL would be compared to recreational landings using only 2010 landings for 2010, an average of 2010 and 2011 landings for 2011, and a 3-year running average of landings for 2012 and beyond. Finally, this rule would update the framework procedure for specification of Total Allowable Catch (TAC) for the FMP to incorporate ACLs, ACTs, and AMs. This would give NMFS the flexibility to alter those harvest parameters through a regulatory amendment as new scientific information becomes available.

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

No duplicative, overlapping, or conflicting Federal rules have been identified. The proposed rule would not alter existing reporting, record keeping, or other compliance requirements.

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

From 2003–2007, an average of 944 vessels per year was permitted to operate in the commercial snapper-grouper fishery. Of these vessels, 749 held transferable permits and 195 held non-transferable permits. On average, 890 vessels landed 6.43 million lb (2.92 million kg) of snapper-grouper species and 1.95 million lb (0.88 million kg) of other species on snapper-grouper trips. Total dockside revenues from snapper-grouper species stood at $13.81 million and from other species, at $2.30 million. Considering revenues from both snapper-grouper and other species, the revenues per vessel were approximately $18,101. An average of 27 vessels per year harvested more than 50,000 lb (22,680 million kg) of snapper-grouper species per year, generating at least, at an average price of $2.15 per pound, dockside revenues of $107,500. Commercial vessels that operate in the snapper-grouper fishery may also operate in other fisheries, the revenues of which cannot be determined with available data and are not reflected in these totals.

Although a vessel that possesses a commercial snapper-grouper permit can harvest any snapper-grouper species, not all permitted vessels or vessels that landed snapper-grouper landed all of the major species in this amendment. The following average number of vessels landed the subject species in 2003–2007: 292 vessels landed gag, 253 vessels landed vermilion snapper, 32 vessels landed speckled hind, 64 vessels landed golden tilefish, 160 vessels landed snowy grouper, 323 vessels landed black grouper, 237 vessels landed black sea bass, and 402 vessels landed red grouper. Combining revenues from snapper-grouper and other species on the same trip, the average revenue per vessel for vessels landing the subject species were $20,551 for gag, $28,454 for vermilion snapper, $6,250 for speckled hind, $17,266 for golden tilefish, $7,186 for black grouper, $19,034 for black sea bass, and $17,164 for red grouper.

Based on revenue information, all commercial vessels that would be affected by the proposed rule are considered to be small entities.

The for-hire fleet is comprised of charterboats, which charge a fee on a vessel basis, and headboats, which charge a fee on an individual angler (head) basis. For the period 2003–2007, an average of 1,635 vessels was permitted to operate in the snapper-grouper for-hire fishery, of which 82 are estimated to have operated as headboats and 1,553 as charter boats. Within the total number of vessels, 227 also possessed a commercial snapper-grouper permit and would be included in the summary information provided on the commercial sector. The charterboat annual average gross revenue is estimated to range from approximately $62,000–$84,000 for Florida vessels, $73,000–$89,000 for North Carolina vessels, $68,000–$83,000 for Georgia vessels, and $32,000–$39,000 for South Carolina vessels. For headboats, the appropriate estimates are $170,000–$362,000 for Florida vessels, and $149,000–$317,000 for vessels in the other states.

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

Some fleet activity may exist in both the commercial and for-hire snapper-grouper sectors, but the extent of such is unknown and all vessels are treated as independent entities in this analysis.

The measure to establish an ACL of zero for speckled hind and warsaw grouper, together with the ban on fishing for deepwater species co-occurring with these two species, is expected to reduce net operating revenues of commercial vessels by about $292,000. This measure is also expected to reduce net operating revenues of for-hire vessels by less than $102,000.

Establishing a 97 percent commercial and 3 percent recreational allocation of golden tilefish would maintain the long-term and short-term proportional landings history of the commercial and recreational sectors, with possible small short-term changes (depending on the ACL) in net operating revenues of both commercial and for-hire vessels. At this allocation ratio, the corresponding commercial ACL (quota) would be 282,819 lb (128, 284 kg) gutted weight and the recreational allocation would be 1,578 fish (8,747 lb (3,968 kg) gutted weight). The golden tilefish commercial quota in combination with the AM of closing the fishery after the quota is met is expected to reduce net operating revenues of commercial vessels with snapper-grouper permits by about $8,000. The recreational allocation is expected to result in net revenue reductions of for-hire vessels with snapper-grouper permits by about

$7,000. It is worth noting, however, that the reduction in net operating revenues of for-hire vessels would not be immediate because the recreational AM would shorten only the subsequent year's fishing season and only when recreational landings over a number of years (except for 2010) exceed the ACL.

Establishing a daily bag limit of one snowy grouper per vessel is expected to reduce net operating revenues of for-hire vessels with snapper-grouper permits by about $7,000. This reduction in net operating revenues would not be immediate because the recreational AM would shorten only the subsequent year's fishing season and only when recreational landings over a number of years (except for 2010) exceed the ACL.

The combined measures of retaining the commercial ACL for gag of 352,940 lb (160,091 kg) gutted weight, establishing an aggregate commercial ACL for gag, red grouper, and black grouper of 662,403 lb (300,461 kg) gutted weight, and closing the fishery when the gag ACL or the aggregate ACL is reached is expected to reduce net operating revenues of commercial vessels by about $103,000. For the recreational component of the snapper-grouper fishery, the combined measures of retaining the recreational ACL for gag of 340,060 lb (154,249 kg) gutted weight and establishing an aggregate recreational ACL for gag, red grouper, and black grouper of 648,663 lb (294,229 kg) gutted weight are not expected to affect the net operating revenues of for-hire vessels with snapper-grouper permits because these are the expected landings from implementation of previous amendments, notably Amendment 16 to the FMP. There is a possibility that the recreational AM of prohibiting the harvest and retention of an overfished species (black sea bass, vermilion snapper, gag, red grouper, or black grouper) when the sector ACL is met or projected to be met would have negative impacts on for-hire vessels with snapper-grouper permits fishing for black sea bass. Under this AM, for-hire vessels with snapper-grouper permits could potentially lose about $860,000 in net revenues. This reduction is likely to be an overestimate for at least two reasons. First, the method used in estimating the economic effects on the recreational sector likely overestimated the number of headboat angler trips affected by the measure. Second, the trend of recreational black sea bass landings has been downwards due to the implementation of more restrictive measures provided in previous amendments. Therefore, using average landings over the period 2005–2008 inflated the landings when compared to the ACL.

Updating the framework procedure for specification of TAC has no direct effects on the net operating revenues of commercial and for-hire vessels with snapper-grouper permits.

The short-term reductions in the net revenues of commercial vessels due to the proposed rule may be considered relatively small. On the recreational side, only the AM for black sea bass may be considered to have relatively substantial economic effects on for-hire vessels.

Five alternatives, including the proposed action, were considered for establishing an ACL for speckled hind and warsaw grouper. The first alternative to the proposed action, the no action alternative, would not conform to the requirements of the Magnuson-Stevens Act, as reauthorized in 2006, to establish an ACL for the subject species. The second alternative to the proposed action would establish an ACL of 0 for speckled hind and warsaw grouper but would not close any areas to fishing for deepwater species that co-occur with these two species. Although this alternative would have smaller negative economic effects on small entities than the proposed action, it would not be sufficient to end overfishing of speckled hind and warsaw grouper due to discard mortality from fishing for other co-occurring deepwater species. The third alternative to the proposed action is the same as the proposed action, except that the fishing prohibition for other co-occurring deepwater species would apply to all depths. In this case, this alternative would result in greater negative economic effects on small entities than the proposed action. The fourth alternative to the proposed action is similar to the proposed action, except that the prohibition on fishing for other co-occurring deepwater species would be beyond 300 ft (92 m). With smaller closed areas, this alternative would result in slightly smaller negative economic effects on small entities. On the other hand, this alternative would provide less protection for adult speckled hind and warsaw grouper than the proposed action. The possibility of continued overfishing for the subject species may still occur under this alternative.

Four alternatives, including the proposed action, were considered for the golden tilefish allocation. The first alternative to the proposed action, the no action alternative, would not establish a commercial and recreational allocation for golden tilefish. Without a defined sector allocation, it would be difficult to define sector ACLs and to take corrective actions should the sector ACLs or overall ACL be exceeded. This would weaken the ability of fishery managers to effectively manage the stock. The second alternative to the proposed action would establish a 96 percent commercial and 4 percent recreational allocation. This allocation is very close to that provided under the proposed action, and thus its economic effects would differ only minimally from those of the proposed action. This alternative uses only the most current landings records (2006–2008) while the proposed action uses both the long-run (1986–2008) and short-run (2006–2008) landings history. The third alternative to the proposed action would establish a 50 percent commercial and 50 percent recreational allocation. This alternative would create significant disruptions to the commercial sector operations, and thus would impose relatively large costs to this sector. The recreational sector would stand to gain from this allocation, but whether or not the gains to the recreational sector would outweigh losses to the commercial sector cannot be determined. At least in the short-run and given the current bag limit of one fish per person per day, benefits to the recreational sector would be relatively small and would not compensate for the losses in the commercial sector. Thus, the expected net economic effects of this alternative in the short-run would be negative.

Five alternatives, including the proposed action, were considered for the golden tilefish ACL and AM. The first alternative to the proposed action, the no action alternative, would retain the current ACL (quota) for the commercial sector based on F_{MSY} and would not establish an ACL and AM for the recreational sector. The current AM would close all fishing for golden tilefish once the commercial quota is reached. This alternative would not add any more fishery restrictions and economic losses to the fishery participants, but it would be less conservative than the proposed action in rebuilding the stock. In addition, it would provide less flexibility in implementing sector-specific AMs. The second alternative to the proposed action would establish a single commercial and recreational ACL which would combine the commercial ACL at the F_{OY} level and the recreational allowable harvest at the OY level. The AM would prohibit commercial and recreational harvest when the ACL is projected to be met. This alternative would result in approximately the same economic losses to the commercial

sector as the proposed action. There is some potential for this alternative to result in smaller economic losses to the recreational sector than the proposed action, especially if only the commercial landings were effectively monitored because then the recreational fishing season would remain open longer. But to the extent that the AM under this alternative would be imposed in-season while that of the proposed action only in subsequent years, the economic effects of this alternative over time could very well exceed those of the proposed action. The third alternative to the proposed action would establish a recreational AM of one golden tilefish per vessel per day when the single ACL (sum of the commercial ACL at the F_{OY} level and recreational harvest at the OY level) is met or projected to be met. This alternative is likely to result in smaller economic losses to the recreational sector than the proposed action by maintaining a year-round recreational fishing season although at very limited bag limit. However, because this alternative requires an in-season adjustment in lieu of subsequent-year adjustments, as under the proposed action, the resulting economic losses over time due to this alternative could exceed those of the proposed action. The fourth alternative to the proposed action would establish a commercial and recreational ACL based on the yield at F_{OY} for the commercial fishery. The AM for both sectors would be to prohibit harvest, possession, and retention of golden tilefish when commercial landings exceed the ACL. This alternative would have the same economic effects on the commercial sector as the proposed action, but losses to the recreational sector would likely exceed those of the proposed action.

Four alternatives, including the proposed action, were considered for establishing a snowy grouper ACL and AM. The first alternative, the no action alternative, to the proposed action would retain the commercial ACL (quota) of 82,900 lb (37,603 kg) gutted weight as the ACL based on the current TAC of 87,254 lb (39,578 kg) gutted weight; would retain the commercial AM which is to prohibit harvest, possession, and retention of snowy grouper when the quota is met or projected to be met; would maintain the recreational ACL of 523 fish; and, would not implement a recreational AM. This alternative would not add any restrictions to either the commercial or recreational sector. The absence of an AM for the recreational sector would make it difficult to implement sector-specific adjustments. The second alternative to the proposed action would establish a single commercial/recreational ACL based on the current TAC of 87,254 lb (39,578 kg) gutted weight, and the AM for both sectors would be a closure of the fishery when the ACL is met or projected to be met. This alternative may result in slightly better economic effects on the commercial sector than the proposed action or the no action alternative, but this slight advantage of the commercial sector would come at the expense of the recreational sector. In effect, this alternative would have slightly larger short-run economic losses on the recreational sector than the proposed action. In addition, this alternative would not allow for sector-specific adjustments should ACL overages occur. The third alternative to the proposed action would establish a recreational AM of one fish per vessel per day when the commercial quota is met or projected to be met. The commercial AM would be a fishery closure when the quota is met. This alternative would have similar economic effects on the commercial sector as the no action alternative and slightly lower short-run negative effects on the recreational sector than the proposed action. However, unlike the proposed action, this alternative could result in overages in the recreational sector without a possible compensating adjustment in succeeding years, thereby potentially resulting in less protection to the stock.

Five alternatives, two of which comprise the proposed action, were considered for the black grouper, black sea bass, gag, red grouper, and vermilion snapper ACL, AM, and ACT. The alternative for establishing commercial and recreational ACLs consisted of two sub-alternatives, one of which is the proposed action. The ACT alternative for the recreational sector consisted of three sub-alternatives, none of which were selected as the proposed action. The AM alternative for the recreational sector consisted of three sub-alternatives, one of which is the proposed action. The first alternative to the proposed action, the no action alternative, would retain the commercial and recreational ACLs for black sea bass, gag, and vermilion snapper and would not establish commercial and recreational ACLs for black grouper and red grouper. This alternative would not comply with the requirements of the Magnuson-Stevens Act, as reauthorized in 2006. The second alternative to the proposed action (only alternative to the proposed action for commercial and recreational ACLs) would establish black grouper commercial and recreational ACLs of 86,886 lb (39,411 kg) gutted weight and 31,863 lb (14,453 kg) gutted weight, respectively. It would also establish red grouper commercial and recreational ACLs of 221,577 lb (100,505 kg) gutted weight and 276,740 lb (125,527 kg) gutted weight, respectively. This alternative would have biological effects similar to those of the proposed action. However, it could result in slightly worse economic effects than the proposed action because it would allow less flexibility for small entities in adjusting their fishing operations with respect to gag, black grouper, and red grouper. The third alternative to the proposed action for the recreational AM consisted of two sub-alternatives. The first sub-alternative would require the RA to reduce the length of the following fishing year if the ACL were exceeded in the current year. Although this alternative would provide less negative effects in the short-run, it would provide fewer biological benefits than the proposed action, particularly with respect to overfished species, so as to delay further the generation of economic benefits from the fishery. The second sub-alternative would close the fishery if the sector ACT were exceeded for an overfished species or species group and would require the AA to reduce the sector ACT the following year. By not selecting any ACT, this alternative would not be a viable alternative. If ACTs were selected, this alternative would likely result in larger short-run economic losses than the proposed alternative.

Two alternatives, including the proposed action, were considered for updating the framework procedure for specification of TAC in the FMP to incorporate ACLs, ACTs, and AMs. The only alternative to the proposed action, the no action alternative, would delay the implementation or modification of ACLs, ACTs, and AMs when new scientific information becomes available because this would require the FMP amendment process which would incur more administrative costs than the proposed action.

List of Subjects in 50 CFR Part 622

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

Dated: October 5, 2010.

Samuel D. Rauch III,

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

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

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

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

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

2. In § 622.2, the definitions of "Deep-water grouper (DWG)" and "Shallow-water grouper (SWG)" are revised and definitions of "Deep-water snapper-grouper (DWSG)" and "South Atlantic shallow-water grouper (SASWG)" are added in alphabetical order to read as follows:

§ 622.2 Definitions and acronyms.

* * * * *

Deep-water grouper (DWG) means, in the Gulf, yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, and speckled hind. In addition, for the purposes of the IFQ program for Gulf groupers and tilefishes in § 622.20, scamp are also included as DWG as specified in § 622.20(b)(2)(vi).

Deep-water snapper-grouper (DWSG) means, in the South Atlantic, yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, speckled hind, blueline tilefish, queen snapper, and silk snapper.

* * * * *

Shallow-water grouper (SWG) means, in the Gulf, gag, red grouper, black grouper, scamp, yellowfin grouper, rock hind, red hind, and yellowmouth grouper. In addition, for the purposes of the IFQ program for Gulf groupers and tilefishes in § 622.20, speckled hind and warsaw grouper are also included as SWG as specified in § 622.20(b)(2)(v).

South Atlantic shallow-water grouper (SASWG) means, in the South Atlantic, gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney.

* * * * *

3. In § 622.4, the first sentence of paragraph (a)(2)(vi) is revised to read as follows:

§ 622.4 Permits and fees.

(a) * * *

(2) * * *

(vi) * * * For a person aboard a vessel to be eligible for exemption from the bag limits for South Atlantic snapper-grouper in or from the South Atlantic EEZ, to sell South Atlantic snapper-grouper in or from the South Atlantic EEZ, to engage in the directed fishery for tilefish in the South Atlantic EEZ, to use a longline to fish for South Atlantic snapper-grouper in the South Atlantic EEZ, or to use a sea bass pot in the South Atlantic EEZ between 35°15.19′ N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1′ N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), a commercial vessel permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. * * *

* * * * *

4. In § 622.9, the first sentence of paragraph (a)(1) is revised to read as follows:

§ 622.9 Vessel monitoring systems (VMSs).

(a) * * *

(1) * * * An owner or operator of a vessel that has been issued a limited access endorsement for South Atlantic rock shrimp (until January 27, 2010) or a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) must ensure that such vessel has an operating VMS approved by NMFS for use in the South Atlantic rock shrimp fishery on board when on a trip in the South Atlantic. * * *

* * * * *

5. In § 622.32, paragraph (c)(3) is removed and paragraph (b)(3)(vi) is added to read as follows:

§ 622.32 Prohibited and limited-harvest species.

* * * * *

(b) * * *

(3) * * *

(vi) Speckled hind and warsaw grouper may not be harvested or possessed in or from the South Atlantic EEZ. Such fish caught in the South Atlantic EEZ must be released immediately with a minimum of harm. These restrictions also apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, *i.e.,* in state or Federal waters.

* * * * *

6. In § 622.35, the first sentence of paragraph (j) is revised and paragraph (o) is added to read as follows:

§ 622.35 Atlantic EEZ seasonal and/or area closures.

* * * * *

(j) * * * During January through April each year, no person may fish for, harvest, or possess in or from the South Atlantic EEZ any SASWG (gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney). * * *

* * * * *

(o) *Depth closure for deep-water snapper-grouper (DWSG).* No person may fish for or possess DWSG (yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, speckled hind, blueline tilefish, queen snapper, and silk snapper) in or from the South Atlantic EEZ offshore of rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	36°31′01″	74°48′10″
B	35°57′29″	74°55′49″
C	35°30′49″	74°49′17″
D	34°19′41″	76°00′21″
E	33°13′31″	77°17′50″
F	33°05′13″	77°49′24″
G	32°24′03″	78°57′03″
H	31°39′04″	79°38′46″
I	30°27′33″	80°11′39″
J	29°53′21″	80°16′01″
K	29°24′03″	80°16′01″
L	28°19′29″	80°00′27″
M	27°32′05″	79°58′49″
N	26°52′45″	79°58′49″
O	26°03′36″	80°04′33″
P	25°31′03″	80°04′55″
Q	25°13′44″	80°09′40″
R	24°59′09″	80°19′51″
S	24°42′06″	80°46′38″
T	24°33′53″	81°10′23″
U	24°25′20″	81°50′25″
V	24°25′49″	82°11′17″
W	24°21′35″	82°22′32″
X	24°21′29″	82°42′33″
Y	24°25′37″	83°00′00″

7. In § 622.39, paragraph (d)(1)(ii)(B) is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(d) * * *

(1) * * *

(ii) * * *

(B) No more than one fish per vessel may be a snowy grouper;

8. In § 622.42, revise paragraphs (e)(1), (e)(2), (e)(5), and (e)(6); and paragraph (e)(8) is added to read as follows:

§ 622.42 Quotas.

* * * * *

(e) * * *

(1) *Snowy grouper*—82,900 lb (37,603 kg).

(2) *Golden tilefish*—282,819 lb (128,284 kg).

* * * * *

(5) *Black sea bass*—309,000 lb (140,160 kg).

(6) *Red porgy*—190,050 lb (86,205 kg).

* * * * *

(8) *Gag, black grouper, and red grouper, combined*—662,403 lb (300,461 kg).

* * * * *

9. In § 622.43, the heading for paragraph (a)(5) and paragraph (a)(5)(iii) are revised to read as follows:

622.43 Closures.

(a) * * *

(5) *South Atlantic gag, black grouper, red grouper, greater amberjack, snowy grouper, golden tilefish, vermilion snapper, black sea bass, and red porgy.*

* * * * *

(iii) For gag and for gag, black grouper, and red grouper, combined, when the appropriate commercial quota is reached, the provisions of paragraphs (a)(5)(i) and (ii) of this section apply to gag and all other SASWG.

* * * * *

10. In § 622.44, paragraph (c)(3) is revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(c) * * *

(3) *Snowy grouper.* Until the quota specified in § 622.42(e)(1) is reached—100 lb (45 kg). *See* § 622.43(a)(5) for the limitations regarding snowy grouper after the fishing year quota is reached.

* * * * *

11. In § 622.48, paragraph (f) is revised to read as follows:

§ 622.48 Adjustment of management measures.

* * * * *

(f) *South Atlantic snapper-grouper and wreckfish.* Biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY, ABC, TAC, quotas, annual catch limits (ACLs), target catch levels, accountability measures (AMs), trip limits, bag limits, minimum sizes, gear restrictions (ranging from regulation to complete prohibition), seasonal or area closures, definitions of essential fish habitat, essential fish habitat, essential fish habitat HAPCs or Coral HAPCs, and restrictions on gear and fishing activities applicable in essential fish habitat and essential fish habitat HAPCs.

* * * * *

12. In § 622.49, paragraph (b) is added to read as follows:

§ 622.49 Accountability measures.

* * * * *

(b) *South Atlantic snapper-grouper.*

(1) *Golden tilefish*—(i) *Commercial fishery.* If commercial landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.42(e)(2), the AA will file a notification with the Office of the Federal Register to close the commercial fishery for the remainder of the fishing year.

(ii) *Recreational fishery.* If recreational landings, as estimated by the SRD, exceed the recreational annual catch limit (ACL) of 1,578 fish, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. Recreational landings will be evaluated relative to the ACL as follows. For 2010, only 2010 recreational landings will be compared to the ACL; in 2011, the average of 2010 and 2011 recreational landings will be compared to the ACL; and in 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL.

(2) *Snowy grouper*—(i) *Commercial fishery.* If commercial landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.42(e)(1), the AA will file a notification with the Office of the Federal Register to close the commercial fishery for the remainder of the fishing year.

(ii) *Recreational fishery.* If recreational landings, as estimated by the SRD, exceed the recreational ACL of 523 fish, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. Recreational landings will be evaluated relative to the ACL as follows. For 2010, only 2010 recreational landings will be compared to the ACL; in 2011, the average of 2010 and 2011 recreational landings will be compared to the ACL; and in 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL.

(3) *Gag*—(i) *Commercial fishery.* If commercial landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.42(e)(7), the AA will file a notification with the Office of the Federal Register to close the commercial fishery for gag and all other SASWG for the remainder of the fishing year.

(ii) *Recreational fishery.* (A) If recreational landings, as estimated by the SRD, reach or are projected to reach the recreational ACL of 340,060 lb (154,249 kg), gutted weight, and gag are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to close the gag recreational fishery for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit for gag in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(B) Without regard to overfished status, if gag recreational landings exceed the ACL, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the ACL for that fishing year by the amount of the overage.

(C) Recreational landings will be evaluated relative to the ACL as follows. For 2010, only 2010 recreational landings will be compared to the ACL; in 2011, the average of 2010 and 2011 recreational landings will be compared to the ACL; and in 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL.

(4) *Gag, black grouper, and red grouper, combined*—(i) *Commercial fishery.* If commercial landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.42(e)(8), the AA will file a notification with the Office of the Federal Register to close the commercial fishery for gag, black grouper, red grouper and all other SASWG for the remainder of the fishing year.

(ii) *Recreational fishery.* (A) If recreational landings, as estimated by the SRD, reach or are projected to reach the combined recreational ACL of 648,663 lb (294,229 kg), gutted weight, and gag, black grouper, or red grouper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to close the recreational fishery for gag, black grouper, and red grouper for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit of gag, black grouper, and red grouper in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(B) Without regard to overfished status, if gag, black grouper, and red grouper recreational landings exceed the

combined ACL, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the combined ACL for that fishing year by the amount of the overage.

(C) Recreational landings will be evaluated relative to the ACL as follows. For 2010, only 2010 recreational landings will be compared to the ACL; in 2011, the average of 2010 and 2011 recreational landings will be compared to the ACL; and in 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL.

(5) *Black sea bass*—(i) *Commercial fishery.* If commercial landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.42(e)(5), the AA will file a notification with the Office of the Federal Register to close the commercial fishery for the remainder of the fishing year.

(ii) *Recreational fishery.* (A) If recreational landings, as estimated by the SRD, reach or are projected to reach the recreational ACL of 409,000 lb (185,519 kg), gutted weight, and black sea bass are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to close the recreational fishery for black sea bass for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit of black sea bass in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(B) Without regard to overfished status, if black sea bass recreational landings exceed the ACL, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the ACL for that fishing year by the amount of the overage.

(C) Recreational landings will be evaluated relative to the ACL as follows. For 2010, only 2010 recreational landings will be compared to the ACL; in 2011, the average of 2010 and 2011 recreational landings will be compared to the ACL; and in 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL.

(6) *Vermilion snapper*—(i) *Commercial fishery.* If commercial landings, as estimated by the SRD, reach or are projected to reach a quota specified in § 622.42(e)(4)(I) or (ii), the AA will file a notification with the Office of the Federal Register to close the commercial fishery for that portion of the fishing year applicable to the respective quota.

(ii) *Recreational fishery.* (A) If recreational landings, as estimated by the SRD, reach or are projected to reach the recreational ACL of 307,315 lb (139,396 kg), gutted weight, and vermilion snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to close the recreational fishery for vermilion snapper for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit of vermilion snapper in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(B) Without regard to overfished status, if vermilion snapper recreational landings exceed the ACL, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the ACL for that fishing year by the amount of the overage.

(C) Recreational landings will be evaluated relative to the ACL as follows. For 2010, only 2010 recreational landings will be compared to the ACL; in 2011, the average of 2010 and 2011 recreational landings will be compared to the ACL; and in 2012 and subsequent fishing years, the most recent 3-year running average recreational landings will be compared to the ACL.

[FR Doc. 2010–25643 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 75, No. 196
Tuesday, October 12, 2010

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 5, 2010.

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

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Importation of Unshu Oranges.

OMB Control Number: 0579–0173.

Summary of Collection: The Plant Protection Act (7 U.S.C. 7701–7772) authorizes the Secretary of Agriculture to restrict the importation, entry or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pest in the United States. The regulations in "Subpart-Citrus Fruit" (7 CFR 319.28) allow the importation of unshu oranges from Kyushu Island and Honshu Island, Japan, into the United States under certain conditions. A certificate must accompany the unshu oranges from the Japanese plant protection service certifying that the fruit is apparently free of citrus canker.

Need and Use of the Information: The Animal and Plant Health Inspection (APHIS) will collect information using form PPQ 203, Foreign Site Certificate of Inspection and/or Treatment, PPQ 587, Application for Permit to Import Plants or Plant Products and box labeling. The information from the forms will be used to certify that unshu oranges from Japan are free of citrus canker and to also ensure that the oranges are not imported into citrus-producing areas of the United States such as Florida and California. Failing to collect this information would cripple APHIS' ability to ensure that Unshu oranges from Japan are not carrying citrus canker.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 23.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 5,535.

Animal and Plant Health Inspection Service

Title: Citrus Greening and Asian Citrus Psylid; Quarantine and Interstate Movement Regulations.

OMB Control Number: 0579–0363.

Summary of Collection: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture either independently or in cooperation with the States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests (such as citrus canker) new or widely distributed throughout the United States. The Animal and Plant Health Inspection Service (APHIS) amended the "Domestic Quarantine Notices" in 7 CFR part 301 by adding a new subpart, "Citrus Greening and Asian Citrus Psylid (ACP)" (§§ 301.76 through 301.76–11). Citrus greening, also known as Huanglonghing disease of citrus, is considered to be one of the most serious citrus diseases in the world.

Need and Use of the Information: APHIS will collect information using various forms to address the risk associated with the interstate movement of citrus nursery stock and other regulated articles from areas quarantined for citrus greening. Failing to collect this information could cause a severe economic loss to the citrus industry.

Description of Respondents: Business or other for-profit.

Number of Respondents: 116.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 504.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010–25490 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 5, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including

through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Operating Guidelines, Forms and Waivers

OMB Control Number: 0584–0083

Summary of Collection: Under section 16 of the Food and Nutrition Act of 2008 (the Act), 7 U.S.C. 2025, the Secretary is authorized to pay each State agency an amount equal to 50 percent of all administrative costs involved in each State agency's operation of the Supplemental Nutrition Assistance Program (SNAP). Under corresponding SNAP regulations at 7 CFR 272.2(c), the State agency must submit to the Food and Nutrition Service (FNS) annually for approval a Budget Projection Statement (FNS–366A), which projects total costs for major areas of SNAP operations during the preceding fiscal year and a Program Activity Statement (FNS–366B), which provides program activity data for the preceding fiscal year.

Need and Use of the Information: FNS will collect information to estimate funding needs and also provide data on the number of applications processed, number of fair hearings, and fraud control activity. FNS uses the data to monitor State agency activity levels and performance. If the information were not collected it would disrupt budget planning and delay appropriation distributions.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 2,849.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program (SNAP): State Options.

OMB Control Number: 0584–0496.

Summary of Collection: The Food, Conservation and Energy Act of 2008, Public Law 110–246, Section 4001–4002, amended the Food and Nutrition Act of 2008 to rename the Food Stamp Program the "Supplemental Nutrition Assistance Program" (SNAP). The Act establishes SNAP as a means-tested program under which needy households may apply for and receive assistance to supplement their ability to purchase food. The Act specifies national eligibility standards and imposes certain administrative requirements on State agencies in administering the program. The program is directly administered by State welfare agencies, which are responsible for determining the eligibility of applicant households and issuing benefits to those households entitled to benefits under the Act.

Need and Use of the Information: FNS will collect information from State agencies on how the various SNAP implementation options will be determined. The information collected will be used by FNS to establish quality control reviews, standards and self-employment costs.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: Annually.

Total Burden Hours: 236.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2010–25491 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Chequamegon Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Chequamegon Resource Advisory Committee will meet in Park Falls, Wisconsin. 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 a meeting to review submitted Title II project proposals and recommend funding of projects in accordance with Public Law 110–343.

DATES: The meeting will be held on November 4, 2010, and will begin at 10 a.m.

ADDRESSES: The meeting will be held at the Forest Service Park Falls Office, Large Conference Room, 1170 4th Ave. South, Park Falls, WI. Written comments should be sent to Sarah Yoshikane, Chequamegon-Nicolet National Forest, P.O. Box 578, 113 East Bayfield St., Washburn, WI 54891. Comments may also be sent via e-mail to *syoshikane@fs.fed.us,* or via facsimile to 715–373–2878.

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 Chequamegon-Nicolet National Forest, 113 East Bayfield St., Washburn, WI 54891. Visitors are encouraged to call ahead to 715–373–2667 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Sarah Yoshikane, RAC coordinator, USDA, Chequamegon-Nicolet National Forest, 113 East Bayfield St., Washburn, WI 54891; (715) 373–2667; E-mail *syoshikane@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 and recommend funding of Title II project proposals in accordance with Public Law 110–343; and (2) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: September 29, 2010.

Paul I. V. Strong,

Forest Supervisor.

[FR Doc. 2010–25596 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Federal Advisory Committee Meeting To Be Held Authorized Under the Secure Rural Schools Act and Community Self-Determination Act, Public Law 110–343

AGENCY: Forest Service, U.S.D.A.

ACTION: Announcement of meeting.

SUMMARY: On November 3, 2010, the U.S Forest Service will host a meeting of the federally designated Secure Rural Schools Resource Advisory Committee (RAC). The public is invited to attend the meeting and provide input. A Secure Rural Schools RAC provides advice and recommendations to the Forest Service on the development and implementation of special projects as authorized under the Secure Rural Schools and Community Self-Determination Act, Public Law 110–343.

DATES: The meeting will be held on November 3, 2010 from 12 to 4 p.m.

ADDRESSES: The meeting location is U.S. Forest Service, Osceola Ranger District Office, 24874 U.S. Highway 90, Olustee, FL 32072.

FOR FURTHER INFORMATION CONTACT: Denise Rains, Public Services Staff Officer, 850–523–8568, e-mail *drains@fs.fed.us*.

SUPPLEMENTARY INFORMATION: Florida's RAC consists of 15 people selected to serve on the committee by Secretary of Agriculture Tom Vilsack. Members are from throughout the State and represent varied interests and areas of expertise. They will work collaboratively to improve working relationships among community members and national forest personnel.

Five Florida counties, Liberty, Wakulla, Columbia, Baker and Marion, elected to set aside a percentage of their Secure Rural Schools payment. Counties receive a payment annually for having National Forest lands within their boundaries. The RAC will ultimately review and recommend projects to be funded from this money.

Projects approved must benefit National Forests lands. Projects can maintain infrastructure, improve the health of watersheds and ecosystems, protect communities, and strengthen local economies.

Dated: October 5, 2010.

Teri Cleeland,

Deputy Forest Supervisor.

[FR Doc. 2010–25603 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Meeting of the Land Between the Lakes Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Land Between The Lakes Advisory Board will hold a meeting on Thursday, November 18, 2010. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App.2.

The meeting agenda includes the following:

(1) Welcome/Introductions
(2) Environmental Education
(3) Orientation of New Members
(4) LBL Updates
(5) Board Discussion of Comments Received

The meeting is open to the public. Written comments are invited and may be mailed to: William P. Lisowsky, Area Supervisor, Land Between The Lakes, 100 Van Morgan Drive, Golden Pond, Kentucky 42211. Written comments must be received at Land Between The Lakes by November 11, 2010, in order for copies to be provided to the members at the meeting. Board members will review written comments received, and at their request, oral clarification may be requested at a future meeting.

DATES: The meeting will be held on November 18, 2010, 9 a.m. to 3:30 p.m., CST.

ADDRESSES: The meeting will be held at the Land Between The Lakes Administrative Building, Golden Pond, Kentucky, and will be open to the public.

FOR FURTHER INFORMATION CONTACT: Kylie Urquhart, Advisory Board Liaison, Land Between The Lakes, 100 Van Morgan Drive, Golden Pond, Kentucky 42211, 270–924–2002.

SUPPLEMENTARY INFORMATION: None.

Dated: October 5, 2010.

William P. Lisowsky,

Area Supervisor, Land Between The Lakes.

[FR Doc. 2010–25537 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Shoshone Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Shoshone Resource Advisory Committee (Committee) will meet in Thermopolis, Wyoming. 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 finalize the Committee's operating guidelines and develop criteria for prioritizing Title II projects.

DATES: The meeting will be held October 27, 2010, 9 a.m.

ADDRESSES: The meeting will be held at Big Horn Federal Savings, 643 Broadway, Thermopolis, Wyoming.

FOR FURTHER INFORMATION CONTACT: Olga Troxel, Resource Advisory Committee Coordinator, Shoshone National Forest Supervisor's Office, (307) 578–5164.

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) Finalize the Committee's Operating Guidelines, (2) Develop criteria for selecting Title II projects, (3) Discuss procedures for requesting project submittals. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided.

Dated: October 4, 2010.

David M. Pieper,

Acting Forest Supervisor.

[FR Doc. 2010–25418 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2010–0096]

Notice of Availability of a Pest Risk Analysis for the Importation of Fresh Strawberries From Jordan

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with the importation into the continental United States of fresh strawberries from Jordan. Based on this analysis, we believe that the application of one or more designated phytosanitary measures will be sufficient to mitigate

the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh strawberries from Jordan. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before December 13, 2010.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS–2010–0096* to submit or view comments and to view supporting and related materials available electronically.
- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2010–0096, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2010–0096.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. West, Senior Import Specialist, RPM, PHP, PPQ, APHIS, 4700 River Road Unit, 133, Riverdale, MD 20737; (301) 734–0627.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in "Subpart—Fruits and Vegetables" (7 CFR 319.56–1 through 319.56–50, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of commodities that, based on the findings of a pest-risk analysis, can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. These measures are:

- The fruits or vegetables are subject to inspection upon arrival in the United States and comply with all applicable provisions of § 319.56–3;
- The fruits or vegetables are imported from a pest-free area in the country of origin that meets the requirements of § 319.56–5 for freedom from that pest and are accompanied by a phytosanitary certificate stating that the fruits or vegetables originated in a pest-free area in the country of origin;
- The fruits or vegetables are treated in accordance with 7 CFR part 305;
- The fruits or vegetables are inspected in the country of origin by an inspector or an official of the national plant protection organization of the exporting country, and have been found free of one or more specific quarantine pests identified by the risk assessment as likely to follow the import pathway; and/or
- The fruits or vegetables are a commercial consignment.

APHIS received a request from the Kingdom of Jordan to allow the importation of fresh strawberries from Jordan into the continental United States. We have completed a pest risk assessment for this commodity to identify pests of quarantine significance that could follow the pathway of importation into the United States and, based on this assessment, have prepared a risk management document to identify phytosanitary measures that could be applied to fresh strawberries from Jordan to mitigate the pest risk. We have concluded that fresh strawberries can be safely imported into the continental United States from Jordan using one or more of the five designated phytosanitary measures listed in § 319.56–4(b). Therefore, in accordance with § 319.56–4(c), we are announcing the availability of our pest risk analysis for public review and comment. The pest risk analysis may be viewed on the Regulations.gov Web site or in our reading room (*see* **ADDRESSES** above for a link to Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the pest risk analysis by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT.** Please refer to the subject of the pest risk analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh strawberries from Jordan in a subsequent notice. If the overall conclusions of the analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will begin issuing permits for the importation of fresh strawberries from Jordan into the continental United States subject to the requirements specified in the risk management document.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 5th day of October 2010.

Gregory Parham,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–25569 Filed 10–8–10; 8:45 am]

BILLING CODE 3410–34–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Senior Executive Service Performance Review Board: Update

AGENCY: U.S. Agency For International Development, Office Of Inspector General.

ACTION: Notice.

SUMMARY: This notice is hereby given of the appointment of members of the updated U.S. Agency for International Development, Office of Inspector General's Senior Executive Service Performance Review Board.

DATES: September 27, 2010.

FOR FURTHER INFORMATION CONTACT: Robert S. Ross, Assistant Inspector General for Management, Office of Inspector General (OIG), U.S. Agency for International Development (USAID), 1300 Pennsylvania Avenue, NW., Room 8.08–029, Washington, DC 20523–8700; telephone 202–712–0010; FAX 202–216–3392; Internet e-mail address: *rross@usaid.gov* (for e-mail messages, the subject line should include the following reference—USAID OIG Senior Executive Service (SES) Performance Review Board).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(b)(c) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management at 5 CFR part 430, subpart C and § 430.307 thereof in particular, one or more Senior Executive Service Performance Review Boards. The board shall review and evaluate the initial appraisal of each USAID OIG senior executive's performance by his or her supervisor, along with any recommendations to the appointing authority relative to the performance of

the senior executive. This notice updates the membership of the USAID OIG's SES Performance Review Board as it was last published on September 22, 2009.

Approved: September 27, 2010.

The following have been selected as regular members of the SES Performance Review Board of the USAID OIG:

Michael G. Carroll, Deputy Inspector General
Howard Hendershot, Assistant Inspector General for Investigations
Robert S. Ross, Assistant Inspector General for Management
Lisa S. Goldfluss, Legal Counsel to the Inspector General
Alvin A. Brown, Assistant Inspector General, Millennium Challenge Corporation
Melinda Dempsey, Deputy Assistant Inspector General for Audit
Winona Varnon, Principal Deputy Assistant Secretary, Office of Management, Department of Education
Mark Bialek, Counsel to the Inspector General, Environmental Protection Agency
Richard Clark, Deputy Assistant Inspector General, Investigations, Department of Labor
Robert Peterson, Assistant Inspector General for Inspections, Department of State

Dated: September 28, 2010.

Donald A. Gambatesa,

Inspector General.

[FR Doc. 2010–25592 Filed 10–8–10; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Information for Self-Certification Under FAQ 6 of the United States—European Union Safe Harbor Privacy Framework

AGENCY: International Trade Administration.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 13, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to: Damon Greer, U.S. Department of Commerce, International Trade Administration, Room 2003, 1401 Constitution Avenue, NW., Washington, DC 20230; Phone number: (202) 482–5023 and fax number: (202) 482–5522.

SUPPLEMENTARY INFORMATION:

I. Abstract

In response to the European Union Directive on Data Protection that restricts transfers of personal information from Europe to countries whose privacy practices are not deemed "adequate," the U.S. Department of Commerce has developed a "Safe Harbor" framework that will allow U.S. organizations to satisfy the European Directive's requirements and ensure that personal data flows to the United States are not interrupted. In this process, the Department of Commerce (DOC) repeatedly consulted with U.S. organizations affected by the European Directive and interested non-government organizations. On July 26, 2000, the European Commission issued its decision in accordance with Article 25.6 of the Directive that the Safe Harbor Privacy Principles provide adequate privacy protection. The Safe Harbor framework bridges the differences between the European Union (EU) and U.S. approaches to privacy protection. The complete set of Safe Harbor documents and additional guidance materials may be found at *http://export.gov/safeharbor.*

Once the Safe Harbor was deemed "adequate" by the European Commission on July 26, 2000, the DOC began working on the requirements that are necessary to put this accord into effect. The European Member States implemented the decision made by the Commission within 90 days. Therefore, the Safe Harbor became operational on November 1, 2000. The Department of Commerce created a list for U.S. organizations to sign up to the Safe Harbor and provided guidance on the mechanics of signing up to this list. As of May 12, 2010, 2,200 U.S. organizations have been placed on the Safe Harbor List, located at *http://export.gov/safeharbor.*

Organizations that have signed up to this list are deemed "adequate" under the Directive and do not have to provide further documentation to European officials. This list will be used by EU citizens and organizations to determine whether further information and contracts will be needed for a U.S. organization to receive personally identifiable information. This list is necessary to make the Safe Harbor accord operational, and was a key demand of the Europeans in agreeing that the Principles were providing "adequate" privacy protection.

The Safe Harbor provides a number of important benefits to U.S. firms. Most importantly, it provides predictability and continuity for U.S. organizations that receive personal information from the EU. Personally identifiable information is defined as any information that can be identified to a specific person, for example an employee's name and extension would be considered personally identifiable information. All 27 member countries are bound by the European Commission's finding of "adequacy". The Safe Harbor also eliminates the need for prior approval to begin data transfers, or makes approval from the appropriate EU member countries automatic. The Safe Harbor principles offer a simpler and cheaper means of complying with the adequacy requirements of the Directive, which should particularly benefit small and medium enterprises.

The decision to enter the Safe Harbor is entirely voluntary. Organizations that decide to participate in the Safe Harbor must comply with the safe harbor's requirements and publicly declare that they do so. To be assured of Safe Harbor benefits, an organization needs to reaffirm its self-certification annually (Form ITA–4149P) to the DOC that it agrees to adhere to the safe harbor's requirements, which includes elements such as notice, choice, access, data integrity, security and enforcement.

This list will be most regularly used by EU organizations to determine whether further information and contracts will be needed by a U.S. organization to receive personally identifiable information. It will be used by the European Data Protection Authorities to determine whether a company is providing "adequate" protection, and whether a company has requested to cooperate with the Data Protection Authority. This list will be accessed when there is a complaint logged in the EU against a U.S. organization. This will be on a monthly basis. It will be used by the Federal Trade Commission and the Department

of Transportation to determine whether a company is part of the Safe Harbor. This will be accessed if a company is practicing "unfair and deceptive" practices and has misrepresented itself to the public. It will be used by the DOC and the European Commission to determine if organizations are signing up to the list. This list is updated on a regular basis.

II. Method of Collection

The self-certification form is available via the Internet at *http://export.gov/safeharbor/* and by mail to requesting organizations.

III. Data

OMB Control Number: 0625–0239.

Form Number(s): ITA–4149P.

Type of Review: Regular submission.

Affected Public: Business or for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Response: 18 minutes—Web site; 40 minutes—letter.

Estimated Total Annual Burden Hours: 350 hours.

Estimated Total Annual Cost to Public: $100,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 5, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–25454 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Correction: Proposed Information Collection; Comment Request; Comprehensive Data Collection on Fishing Dependence of Alaska Communities

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Correction.

SUMMARY: On September 28, 2010, a notice was published in the **Federal Register** (75 FR 59687) on the proposed information collection, Comprehensive Data Collection on Fishing Dependence of Alaska Communities.

Under the heading **FOR FURTHER INFORMATION CONTACT**, the e-mail address is corrected to read *Amber.Himes@noaa.gov.*

All other information in the notice is correct and remains unchanged.

Dated: October 6, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–25581 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Pacific Tuna Fisheries Logbook

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 13, 2010.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Heidi Hermsmeyer, 562–980–4036 or *heidi.hermsmeyer@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

United States (U.S.) participation in the Inter-American Tropical Tuna Commission (IATTC) results in certain recordkeeping requirements for U.S. fishermen who fish in the IATTC's area of management responsibility. These fishermen must maintain a log of all operations conducted from the fishing vessel, including the date, noon position, and the tonnage of fish aboard the vessel, by species. The logbook form provided by the IATTC is universally used by U.S. fishermen to meet this recordkeeping requirement. The information in the logbooks includes areas and times of operation and catch and effort by area. Logbook data are used in stock assessments and other research concerning the fishery. If the data were not collected or if erroneous data were provided, the IATTC assessments would likely be incorrect and there would be an increased risk of overfishing or inadequate management of the fishery.

II. Method of Collection

Vessel operators maintain bridge logs on a daily basis, and the forms are either mailed to the IATTC or to National Marine Fisheries Service (NMFS) at the completion of each trip. The data are processed and maintained as confidential by the IATTC.

III. Data

OMB Control Number: 0648–0148.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, business or other for profit organizations.

Estimated Number of Respondents: 20.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 129.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 6, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–25553 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–912]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On October 1, 2010, the United States Court of International Trade ("CIT") sustained the remand redetermination made by the Department of Commerce ("Department") pursuant to the CIT's remand of the final determination in the antidumping duty investigation on certain new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC"). *See GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, Slip Op. 10–112 (Ct. Int'l Trade October 1, 2010) ("*GPX III*"). This case arises out of the Department's final determination in the antidumping investigation on OTR tires from the PRC. The final judgment in this case was not in harmony with the Department's July 2008 final determination.

DATES: *Effective Date:* October 12, 2010.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–6412 or (202) 482–0650, respectively.

SUPPLEMENTARY INFORMATION: In July 2008, the Department published a final determination in which it determined that OTR tires from the PRC are being, or are likely to be, sold in the United States as less than fair value as provided in section 735 of the Tariff Act of 1930, as amended ("Act"). *See Certain New Pneumatic Off-The-Road-Tires from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Partial Affirmative Determination of Critical Circumstances,* 73 FR 40485 (July 15, 2008) ("*Final Determination*"), as amended by *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less than Fair Value and Antidumping Duty Order,* 73 FR 51624 (September 4, 2008).

Respondent company Hebei Starbright Tire Co., Ltd. ("Starbright"), its importer GPX International Tire Corporation ("GPX"), petitioners Titan Tire Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied and Industrial Service Workers International Union, AFL–CIO–CLC (collectively, "Titan"), and domestic interested party Bridgestone Americas, Inc. and Bridgestone Americas Tire Operations, LLC (collectively, "Bridgestone"), each timely challenged various aspects of the *Final Determination* to the CIT. Among the issues raised before the Court was the valuation of wire input consumed by two of the respondent companies, Starbright and Tianjin United Tire & Rubber International Co., Ltd. ("TUTRIC"), under the factors of production methodology to calculate normal value in a non-market economy country pursuant to section 773(c)(1)(B) of the Act.

On August 4, 2010, pursuant to the Department's request for a voluntary remand, the CIT remanded the wire input valuation issue to the Department for reconsideration or further explanation. *See GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, Slip Op. 10–84 at *19–*20, *28 (Ct. Int'l Trade August 4, 2010) ("*GPX II*"). In a remand redetermination filed on September 3, 2010, the Department determined that record evidence supported using a different surrogate value for the wire input consumed by Starbright and TUTRIC in the production of OTR tires. *See* Second Remand Redetermination, *GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, dated September 3, 2010, at 4–9. As a result of this change, the weighted-average dumping margin calculated for subject merchandise produced by Starbright and exported by Starbright/GPX changed from 29.93 percent to 31.79 percent, the weighted-average dumping margin calculated for subject merchandise produced and exported by TUTRIC changed from 8.44 percent to 10.08 percent, and the weighted-average dumping margin calculated for separate rate companies changed from 12.19 percent to 13.92 percent. *Id.* at 9–12. The CIT affirmed the Department's remand redetermination on October 1, 2010. *See GPX III.*

Timken Notice

In its decision in *Timken Co.,* v. *United States,* 893 F. 2d 337, 341 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's *GPX III* decision of October 1, 2010, constitutes a final decision of that court that is not in harmony with the Department's *Final Determination.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's decision is not appealed or is affirmed on appeal, the Department will publish an amended final determination revising the weighted-average dumping margin calculated for Starbright/GPX, TUTRIC, and the separate rate companies and will issue revised cash deposit instructions to U.S. Customs and Border Protection.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: October 6, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–25688 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–913]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On October 1, 2010, the United States Court of International Trade ("CIT") sustained the second remand redetermination made by the Department of Commerce ("Department") pursuant to the CIT's remand of the final determination in the countervailing duty investigation on certain new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC"). *See GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, Slip Op. 10–112 (Ct. Int'l Trade October 1, 2010) ("*GPX III*"). This case arises out of the Department's final determination in the countervailing duty ("CVD") investigation on OTR tires from the PRC. The final judgment in this case was not in harmony with the Department's July 2008 final determination.

DATES: *Effective Date:* October 12, 2010.

FOR FURTHER INFORMATION CONTACT: Andrew Huston or Jack Zhao, 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) 482–4261 or (202) 482–1396, respectively.

SUPPLEMENTARY INFORMATION: In July 2008, the Department published a final determination in which it found that countervailable subsidies are being provided to producers/exporters of OTR tires from the PRC. *See Certain New Pneumatic Off-The-Road-Tires From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Negative Determination of Critical Circumstances,* 73 FR 40480 (July 15, 2008) ("*Final Determination*"). As part of the *Final Determination,* the Department calculated a CVD rate of 14.00 percent for Hebei Starbright Tire Co., Ltd. ("Starbright"), 6.85 percent for Tianjin United Tire & Rubber International Co., Ltd. ("TUTRIC"), and 2.45 percent for Guizhou Tire Co., Ltd. ("GTC") and an all-others CVD rate of 5.62 percent. *See Final Determination,* 73 FR at 40483. On September 4, 2008, the Department published a CVD order on OTR tires from the PRC. *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Countervailing Duty Order,* 73 FR 51627 (September 4, 2008).

Domestic interested party Bridgestone Americas, Inc. and Bridgestone Americas Tire Operations, LLC (collectively, "Bridgestone"), petitioners Titan Tire Corporation and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied and Industrial Service Workers International Union, AFL–CIO–CLC (collectively, "Titan"), interested party GPX International Tire Corporation, and respondent companies Starbright and TUTRIC each timely challenged various aspects of the *Final Determination* to the CIT. Among the issues raised before the Court were the Department's authority to apply the CVD law to the PRC while also treating the PRC as a non-market economy ("NME") country for antidumping ("AD") purposes and the Department's application of a cut-off date of December 11, 2001, the date of the PRC's accession to the World Trade Organization, for identifying and measuring subsidies in the PRC.

On September 18, 2009, the CIT remanded this matter to the Department either "to forego the imposition of CVDs on the merchandise at issue or * * * to adopt additional policies and procedures to adapt its NME AD and CVD methodologies to account for the imposition of CVD remedies on merchandise from the PRC." *GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, Slip Op. 09–103 at *33 (Ct. Int'l Trade September 18, 2009) ("*GPX I*"). The CIT also ordered the Department, should it continue to impose CVD remedies, to "refrain from using a uniform cut-off date for identifying and measuring subsidies in the PRC while it remains a designated NME and must evaluate the specific facts of each subsidy to determine what kind of subsidy exists and whether it is measurable at a particular time in the PRC." *Id.*

On April 26, 2010, the Department issued an initial remand redetermination under protest in which it continued to impose CVD remedies upon imports of subject merchandise from the PRC, but determined, for certain of those imports, to offset those CVDs against calculated dumping margins. *See* Remand Redetermination, *GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, dated April 26, 2010, at 7–11, 42–44. The Department also under protest refrained from using a uniform cut-off date for identifying and measuring subsidies in the PRC and instead evaluated the specific facts of each subsidy to determine the nature of each subsidy and the point in time that each type of subsidy became measurable. *Id.* at 20–40, 51–53.

On August 4, 2010, the CIT ruled the above-described offset methodology to be unreasonable and inconsistent with the statute and ordered the Department "to forego the imposition of CVDs on the merchandise at issue." *GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, Slip Op. 10–84 at *28 (Ct. Int'l Trade August 4, 2010) ("*GPX II*"). Accordingly, in a second remand redetermination filed with the CIT under protest on September 3, 2010, the Department excluded Starbright and TUTRIC from the CVD order, but continued to apply its revised approach to selecting the date on which to identify and measure subsidies adopted under protest in its initial remand redetermination with respect to GTC. *See* Second Remand Redetermination, *GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, dated September 3, 2010, at 2–4. As a result, the Department calculated a CVD rate of 3.35 percent for GTC and an all-others CVD rate of 3.35 percent. *Id.* at 8. The CIT affirmed the Department's second remand redetermination on October 1, 2010. *See GPX III,* Slip Op. 09–112 at *3.

Timken Notice

In its decision in *Timken Co.,* v. *United States,* 893 F. 2d 337, 341 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("the Act"), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's *GPX III* decision of October 1, 2010 constitutes a final decision of that court that is not in harmony with the Department's *Final Determination.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's decision is not appealed or is affirmed on appeal, the Department will publish an amended final determination excluding OTR tires produced and exported by Starbright or TUTRIC from the countervailing duty order on OTR tires from the PRC and will issue

revised instructions to U.S. Customs and Border Protection.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: October 6, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–25689 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XY43

Fisheries of the Gulf of Mexico and South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Assessment Process Webinars for Highly Migratory Species (HMS) Fisheries Sandbar, Dusky, and Blacknose Sharks; Webinars; Correction

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

ACTION: Notice of addendum to a meeting notice for SEDAR 21 HMS of sandbar, dusky, and blacknose sharks assessment webinars.

SUMMARY: This notice updates information relative to the SEDAR 21 assessments of the HMS stocks of sandbar, dusky, and blacknose sharks will consist of a series of workshops and webinars: a Data Workshop, a series of Assessment webinars, and a Review Workshop. *See* **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 21 Assessment Process I webinars will be held between September 14th and December 8th, 2010. *See* **SUPPLEMENTARY INFORMATION** for exact dates and times. **Note:** The schedule has been modified to add a webinar on October 22nd.

The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from, or completed prior to the time established by this notice.

Webinar	Date	Day	Time (Eastern)
1	September 14, 2010	Tuesday	10 am–2 pm
2	September 16, 2010	Thursday	10 am–2 pm
3	September 30, 2010	Thursday	1pm–5 pm
4	October 5, 2010	Tuesday	9:30 am–12:30 pm
5	October 8, 2010	Friday	10 am–2 pm
6	October 22, 2010	Friday	11 am–3 pm
7	October 26, 2010	Tuesday	10 am–2 pm
8	October 28, 2010	Thursday	10 am–2 pm
9	November 2, 2010	Tuesday	10 am–2 pm
10	November 4, 2010	Thursday	10 am–2 pm
11	November 8, 2010	Monday	10 am–2 pm
12	November 10, 2010	Wednesday	10 am–2 pm
13	December 8, 2010	Wednesday	10 am–2 pm

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (*See* Contact Information Below) to request an invitation providing webinar access information.

FOR FURTHER INFORMATION CONTACT: Julie A Neer, SEDAR Coordinator, 4055 Faber Place, Suite 201, North Charleston, SC 29405; telephone: (843) 571–4366; e-mail: *Julie.neer@safmc.net*.

SUPPLEMENTARY INFORMATION: The original document published on August 26, 2010 (75 FR 52510). A meeting has been added to the agenda, therefore, we are publishing the document in its entirety.

The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop, (2) Assessment Process utilizing webinars and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting Panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

SEDAR 21 Assessment Process I webinar series:

Using datasets recommended from the Data Workshop, participants will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Meeting Schedule: Note that the schedule has been modified to add a webinar on October 22nd.

Webinar	Date	Day	Time (Eastern)
1	September 14, 2010	Tuesday	10 am–2 pm
2	September 16, 2010	Thursday	10 am–2 pm
3	September 30, 2010	Thursday	1pm–5 pm
4	October 5, 2010	Tuesday	9:30 am–12:30 pm
5	October 8, 2010	Friday	10 am–2 pm
6	October 22, 2010	Friday	11am–3 pm
7	October 26, 2010	Tuesday	10 am–2 pm
8	October 28, 2010	Thursday	10 am–2 pm
9	November 2, 2010	Tuesday	10 am–2 pm
10	November 4, 2010	Thursday	10 am–2 pm
11	November 8, 2010	Monday	10 am–2 pm
12	November 10, 2010	Wednesday	10 am–2 pm
13	December 8, 2010	Wednesday	10 am–2 pm

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (*see* **ADDRESSES**) at least 2 business days prior to the meeting.

Dated: October 5, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–25493 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XZ55

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Groundfish Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Wednesday, October 27, 2010, at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Sheraton Harborside Hotel, 250 Market Street, Portsmouth, NH 03801: Telephone: (603) 431–2300; Fax: (603) 433–5649.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

(1) The Committee will review measures in Framework Adjustment 45 to the Northeast Multispecies Fishery Management Plan. The Framework includes a wide range of management measures including updates to fishery specifications, fishery program administration adjustments, and measures for the commercial and recreational fisheries. Preferred alternatives may be selected in order to provide recommendations to the Council for its final vote on the Framework in November, 2010.

(2) The Committee may discuss pursuing an amendment to the FMP to implement state-sponsored permit banks.

(3) Other business may also be discussed.

(4) The Committee will meet in closed session to review advisory panel applications.

The Committee's recommendations will be delivered to the full Council at its meeting in Brewster, MA on November 16–18, 2010.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (*see* **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: October 6, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–25523 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XZ56

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat/MPA/Ecosystem Committee and Plan Development Team in October 2010 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, October, 28, 2010 at 9:30 a.m.

ADDRESSES: *Meeting address:* This meeting will be held at the Courtyard by Marriott, 32 Exchange Terrace, Providence, RI 02903; telephone: (401) 272–1191; fax: (401) 272–1416.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will meet jointly with the Habitat Plan Development Team to discuss management alternatives related to minimizing the adverse effects of fishing on Essential Fish Habitat (EFH), which are being developed for the Council's EFH Omnibus Amendment 2. The goal of the meeting is to craft a series of management alternatives and develop a plan for further analysis of those options. These alternatives may include spatially-specified gear restrictions and/or gear modifications, as well as effort reductions. The PDT will present any additional analyses completed since the September 27, 2010 Committee Meeting; these may include information summarizing habitat type and data support in previously identified vulnerable habitat areas, as well as information on the feasibility of gear modifications. Other topics may be discussed at the Chair's discretion.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date.

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

Dated: October 6, 2010.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–25524 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on October 26, 2010, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

Agenda

Public Session

1. Welcome and Introductions.

2. Remarks from the Bureau of Industry and Security Management.

3. Industry Presentations.

4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 section 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than October 19, 2010.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on March 11, 2010 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section 10(d)), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 section 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Dated: October 6, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–25467 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Emerging Technology and Research Advisory Committee; Notice of Partially Closed Meeting

The Emerging Technology and Research Advisory Committee (ETRAC) will meet on October 21 and 22, 2010, 8:30 a.m., Room 3884, at the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on emerging technology and research activities, including those related to deemed exports.

Agenda

Thursday, October 21

Open Session: 8:30 a.m.–12 Noon

1. Welcome and Introductions.
2. ETRAC Member Discussion Emerging Technology Analysis.
3. Public Comments.

Closed Session: 1 p.m.–3:30 p.m

4. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

Open Session: 3:45 p.m.–5 p.m.

1. ETRAC Member Discussion Emerging Technology Analysis.
2. Public Comments.

Friday, October 22

Open Session: 8:30 a.m.–10:45 a.m.

1. Welcome and Introductions.
2. ETRAC Member Discussion Emerging Technology Analysis.
3. Public Comments.

The open sessions will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than October 14, 2010.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via e-mail.

The Assistant Secretary for Administration, with the concurrence of

the delegate of the General Counsel, formally determined on October 4, 2010, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 section (10)(d)), that the portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 section 10(a)1 and 10(a)(3).

The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: October 6, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–25457 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Technical Advisory Committees; Notice of Recruitment of Private-Sector Members

SUMMARY: Seven Technical Advisory Committees (TACs) advise the Department of Commerce on the technical parameters for export controls applicable to dual-use commodities and technology and on the administration of those controls. The TACs are composed of representatives from industry representatives, academic leaders and U.S. Government representing diverse points of view on the concerns of the exporting community. Industry representatives are selected from firms producing a broad range of goods, technologies, and software presently controlled for national security, non-proliferation, foreign policy, and short supply reasons or that are proposed for such controls, balanced to the extent possible among large and small firms.

TAC members are appointed by the Secretary of Commerce and serve terms of not more than four consecutive years. The membership reflects the Department's commitment to attaining balance and diversity. TAC members must obtain secret-level clearances prior to appointment. These clearances are necessary so that members may be permitted access to the classified information needed to formulate recommendations to the Department of Commerce. Each TAC meets approximately four times per year. Members of the Committees will not be compensated for their services.

The seven TACs are responsible for advising the Department of Commerce on the technical parameters for export controls and the administration of those controls within the following areas: Information Systems TAC: Control List Categories 3 (electronics), 4 (computers), and 5 (telecommunications and information security); Materials TAC: Control List Category 1 (materials, chemicals, microorganisms, and toxins); Materials Processing Equipment TAC: Control List Category 2 (materials processing); Regulations and Procedures TAC: The Export Administration Regulations (EAR) and Procedures for implementing the EAR; Sensors and Instrumentation TAC: Control List Category 6 (sensors and lasers); Transportation and Related Equipment TAC: Control List Categories 7 (navigation and avionics), 8 (marine), and 9 (propulsion systems, space vehicles, and related equipment) and Emerging Technology and Research Advisory Committee: (1) The identification of emerging technologies and research and development activities that may be of interest from a dual-use perspective; (2) the prioritization of new and existing controls to determine which are of greatest consequence to national security; (3) the potential impact of dual-use export control requirements on research activities; and (4) the threat to national security posed by the unauthorized exports of technologies.

To respond to this recruitment notice, please send a copy of your resume to Ms. Yvette Springer at *Yspringer@bis.doc.gov.*

Deadline: This Notice of Recruitment will be open for one year from its date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Ms. Yvette Springer on (202) 482–2813.

Dated: October 6, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–25463 Filed 10–8–10; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Federal Advisory Committee; Department of Defense Wage Committee

AGENCY: Department of Defense (DoD).

ACTION: Notice of closed meetings.

SUMMARY: Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on November 2, 16, and 30, 2010, in Rosslyn, VA.

DATES: The meetings will be held at 10 a.m. on November 2, 16, and 30, 2010.

ADDRESSES: The meetings will be held at 1400 Key Boulevard, Level A, Room A101, Rosslyn, VA 22209.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

SUPPLEMENTARY INFORMATION: Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data to be considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman (see **FOR FURTHER INFORMATION CONTACT**) concerning matters believed to be deserving of the Committee's attention.

Dated: October 6, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–25568 Filed 10–8–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Senior Executive Service Performance Review Board

AGENCY: Department of Defense Office of Inspector General.

ACTION: Notice.

SUMMARY: This notice announces the appointment of the members of the Senior Executive Service (SES) Performance Review Board (PRB) for the Department of Defense Office of Inspector General (DoD OIG), as required by 5 U.S.C. 4314(c)(4). The PRB provides fair and impartial review of SES performance appraisals and makes recommendations regarding performance ratings and performance awards to the Inspector General.

DATES: Effective October 1, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Phyllis Hughes, Director, Human

Capital Advisory Services, Administration and Management, DoD OIG, 400 Army Navy Drive, Arlington, VA 22202, (703) 602–4516.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the DoD OIG, PRB:

Ann Calvaresi Barr

Deputy Inspector General, Department of Transportation.

Geoffrey A. Cherrington

Deputy Assistant Inspector General for Investigations, General Services Administration.

Richard J. Griffin

Deputy Inspector General, Department of Veterans Affairs.

Frank P. LaRocca

Counsel to the Inspector General, National Aeronautics and Space Administration.

Robert Keith West

Assistant Inspector General for Audit Services, Department of Education.

Dated: October 6, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–25548 Filed 10–8–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

[FE Docket No. 10–114–LNG]

Chevron U.S.A. Inc.; Application for Blanket Authorization To Export Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on September 9, 2010, by Chevron U.S.A. Inc. (Chevron), requesting blanket authorization to export liquefied natural gas (LNG) that previously had been imported into the United States from foreign sources in an amount up to the equivalent of 72 billion cubic feet (Bcf) of natural gas on a short-term or spot market basis over a two year period commencing on the date of the authorization. The LNG would be exported from the Sabine Pass LNG Terminal (Sabine Pass) owned by Sabine Pass LNG, L.P., in Cameron Parish, Louisiana to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. The application was filed under section 3 of the Natural Gas Act (NGA) as amended by section 201 of the Energy Policy Act of 1992. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, November 12, 2010.

ADDRESSES: U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine Moore or Marc Talbert, U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478; (202) 586–7991.

Edward Myers, U.S. Department of Energy, Office of General Counsel, Fossil Energy and Energy Efficiency, Forrestal Building, Room 6B–159, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586–3397.

SUPPLEMENTARY INFORMATION:

Background

Chevron is a Pennsylvania corporation with its principal place of business in San Ramon, California. Chevron Global Gas is a division of Chevron that engages in the global business of marketing and trading LNG. Chevron has contracted for 1.0 Bcf per day of terminal capacity from Sabine Pass for an initial term of twenty years that commenced in November 2004 with the option to extend the term for a period of twenty years. On July 14, 2010, DOE/FE Order No. 2813 granted Chevron blanket authorization to import the equivalent of up to 800 Bcf of natural gas from various international sources for a two year period beginning on August 1, 2010. Under the terms of the blanket authorization, LNG may be imported at any LNG receiving facility in the United States and its territories.

Current Application

In the instant application, Chevron requests blanket authorization to export up to 72 Bcf of previously imported LNG, on a cumulative basis, over a two-year period beginning on the date the authorization is granted. Chevron requests that such authorization apply to previously imported LNG to which Chevron holds title, and to previously imported LNG that Chevron may export on behalf of other parties that hold title to such LNG. Chevron is seeking authorization to export such previously imported LNG to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by Federal law or policy. Chevron does not request authority to export any domestically produced natural gas or LNG.

The blanket export authorization requested by Chevron would be applicable to exports from the Sabine Pass terminal, owned by Sabine Pass LNG, L.P. in Cameron Parish, Louisiana. Chevron states that DOE/FE recently granted an authorization for exports from this terminal by another party [1] and has granted other authorizations under similar requests.[2] Chevron states that there are no other proceedings related to this application currently pending before the DOE or any other federal agency.

As background, Chevron states the request to export previously imported LNG is based on its desire to optimize long-term capacity it has contracted for at the Sabine Pass terminal by responding effectively to periodic changes in domestic and world markets for natural gas and LNG. More specifically, Chevron asserts it desires the option to either export previously imported LNG to other world markets, or regasify the imported LNG for sale in domestic markets. Chevron states that it would base any decision related to the sale of imported LNG on prevailing market conditions. Chevron asserts that it does not intend to export any LNG when market conditions dictate that the LNG be used to meet domestic needs.

Public Interest Considerations

In support of its application, Chevron states that pursuant to section 3 of the NGA, FE must authorize exports to a foreign country unless there is a finding that such exports "will not be consistent with the public interest." [3] Chevron states that section 3 creates a statutory presumption in favor of approval of a properly framed export Application.[4]

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[1] *Cheniere Marketing,* LLC, FE 10–31–LNG, DOE/FE Opinion and Order No. 2795 (June 1, 2010).

[2] *Freeport LNG Development, L.P.,* DOE/FE 08–70–LNG, DOE/FE Order Nos. 2644 (May 28, 2009), 2644–A (September 22, 2009), and 2644–B (May 11, 2010); and *ConocoPhillips Company,* FE 09–92–LNG, DOE/FE Order No. 2731 (November 30, 2009).

[3] 15 U.S.C. 717b(a).

[4] *See Phillips Alaska Natural Gas Corp. and Marathon Oil Co.,* DOE/FE Order No. 1473, 2 FE¶70,317 at p. 13, n. 42 (April 2, 1999), citing *Panhandle Producers and Royalty Owners*

Chevron states further, in evaluating an export application, FE applies the principles described in DOE Delegation Order No. 0204–111 which states that domestic need for natural gas shall be the primary focus of DOE when evaluating an export application.[5] Finally, as detailed below, Chevron states that this blanket export authorization request satisfies the public interest standard of section 3 of the NGA, as construed by DOE.

Chevron states that there is no domestic reliance on the imported LNG that Chevron would export pursuant to the blanket authorization requested. In support, Chevron states that in June 2010, FE granted Cheniere Marketing, LLC (Cheniere) blanket authorization to export up to 500 Bcf of previously imported LNG. Chevron states that FE concluded that "the record shows there is sufficient supply of natural gas to satisfy domestic demand from multiple other sources at competitive prices without drawing on the LNG which Cheniere seeks to export throughout the authorization timeframe."[6] Chevron also states that DOE/FE reached the same conclusion for the ConocoPhillips Company proceeding granting ConocoPhillips blanket authorization to export previously imported LNG up to the equivalent of 500 Bcf of natural gas.[7] Chevron states that FE based its conclusions on data prepared by DOE's Energy Information Administration, as detailed in DOE/FE Order No. 2795. Specifically, FE stated, "DOE's review of domestic natural gas market data in 2009 versus 2007 shows an increase in domestic dry gas production, a slight decrease in domestic demand, and a decrease in both total LNG imports and net natural gas imports." With this background, Chevron states that the 72 Bcf of previously imported LNG for which Chevron seeks blanket authorization to export is not needed to meet domestic demand.

Chevron asserts that granting the blanket export authorization would encourage Chevron to purchase spot market LNG cargoes for import into the United States, and would make more natural gas available to the domestic market if it were needed, or alternatively, export the previously imported LNG to other world markets, depending on the prevailing market conditions.

Chevron states it is only seeking the authority to export previously imported LNG, and not seeking the authority to export domestically produced natural gas supplies. Thus, Chevron states that its request for blanket authorization, herein, will not reduce domestically produced natural gas supplies available to the domestic market.

Environmental Impact

Chevron states that no modifications to the Sabine Pass LNG Terminal are required to enable the proposed exports of LNG. Chevron asserts that consequently, granting this application will not constitute a federal action significantly affecting the human environment within the meaning of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq*.

DOE/FE Evaluation

This export application will be reviewed pursuant to section 3 of the NGA, as amended, and the authority contained in DOE Delegation Order No. 00–002.00I (Nov. 10, 2009) and DOE Redelegation Order No. 00–002.04D (Nov. 6, 2007). In reviewing this LNG export application, DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

NEPA requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

You may submit comments in electronic form on the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, written comments can be submitted using the procedures discussed below. If using electronic filing, follow the on-line instructions and submit such comments under FE Docket No. 10–114–LNG. DOE/FE suggests that electronic filers carefully review information provided in their submissions, and include only information that is intended to be publicly disclosed. You may not electronically file a protest, motion to intervene, or notice of intervention, but may submit such pleadings using the following process.

In response to this notice, any person may file a protest, motion to intervene or notice of intervention or written comments, as provided in DOE's regulations at 10 CFR part 590.

Any person wishing to become a party to the proceeding and to have their written comments considered as a basis for any decision on the application must file a motion to intervene or notice of intervention, as applicable. The filing of comments or a protest with respect to the application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties may be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements specified by the regulations in 10 CFR part 590. Except where comments are filed electronically, as described above, comments, protests, motions to intervene, notices of intervention, and requests for additional procedures shall be filed with the Office of Oil and Gas Global Security and Supply at the address listed above.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

Association v. *ERA,* 822 f. 2d 1105, 1111 (DC Cir. 1987).

[5] Ibid, at p. 14.

[6] *Cheniere Marketing, LLC,* DOE/FE Order No. 2795 (June 1, 2010) at p. 11.

[7] *ConocoPhillips Company,* DOE/FE Order No. 2731 (November 30, 2009).

The application filed by Chevron is available for inspection and copying in the Office of Oil and Gas Global Security and Supply docket room, 3E–042, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.* In addition, any electronic comments filed will also be available at: *http://www.regulations.gov.*

Issued in Washington, DC, on October 4, 2010.

John A. Anderson,

Manager, Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Fossil Energy.

[FR Doc. 2010–25545 Filed 10–8–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 10–111–LNG]

Sabine Pass Liquefaction, LLC; Application for Long-Term Authorization To Export Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on September 7, 2010, by Sabine Pass Liquefaction, LLC (Sabine Pass), requesting long-term, multi-contract authorization to export up to 16 million metric tons per annum (mtpa) of domestic natural gas as liquefied natural gas (LNG) for a 20-year period, commencing the earlier of the date of first export or five years from the date of issuance of the requested authorization. Sabine Pass seeks authorization to export LNG from the Sabine Pass LNG Terminal [1] to any country with which the United States does not have a free trade agreement (FTA) requiring the national treatment for trade in natural gas and LNG that has, or in the future develops, the capacity to import LNG and with which trade is not prohibited by U.S. law or policy. The application was filed under section 3 of the Natural Gas Act (NGA), as amended by section 201 of the Energy Policy Act of 1992. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed at the address listed below in **ADDRESSES** no later than 4:30 p.m., eastern time, December 13, 2010.

ADDRESSES: U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine Moore or Lisa Tracy, U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478; (202) 586–9387.

Edward Myers, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6B–256, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586–3397.

SUPPLEMENTARY INFORMATION:

Background

Sabine Pass, an indirect subsidiary of Cheniere Energy, Inc. (Cheniere Energy), has its principal place of business in Houston, Texas. Cheniere Energy is a Delaware corporation with its primary place of business in Houston, Texas. Cheniere Energy is a developer of LNG terminals and natural gas pipelines on the Gulf Coast, including the Sabine Pass LNG Terminal. Sabine Pass is authorized to do business in the States of Texas and Louisiana. This Application is the second part of a two-phased authorization sought by Sabine Pass in conjunction with the development of the Sabine Pass Liquefaction Project (Liquefaction Project). The Liquefaction Project (Liquefaction Project) is being developed to liquefy domestic supplies of natural gas delivered to the Sabine Pass LNG Terminal for export to foreign markets. The Liquefaction Project would turn the Sabine Pass LNG Terminal into a bi-directional LNG facility, capable of liquefying and exporting natural gas along with importing and re-gasifying foreign-sourced LNG, simultaneously.

Existing Long-Term, Multi-Contract Authorization

On September 7, 2010, in DOE/FE Order No. 2833, FE granted Sabine Pass authorization to export up to 16 million mtpa of domestically produced LNG (approximately 803 Bcf per year) from the Sabine Pass LNG Terminal for a 30-year term, beginning on the earlier date of first export, or September 7, 2020, pursuant to one or more long-term export contracts (greater than two years) with third parties with terms up to 30 years executed by September 7, 2020. The LNG may be exported to Australia, Bahrain, Singapore, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Chile, Morocco, Canada, Mexico, Oman, Peru, Singapore, and Jordan, and to any nation which DOE subsequently identifies publicly as having entered into a FTA providing for national treatment for trade in natural gas (FTA Countries), provided that the destination nation has the capacity to import LNG.

Current Application

In the instant application, Sabine Pass seeks long-term, multi-contract authorization to export up to 16 million mtpa of LNG for a 20-year period, commencing the earlier of the date of first export or five years from the date of issuance of the requested authorization. Sabine Pass seeks authorization to export LNG from the Sabine Pass LNG Terminal to any country with which the United States does not have a FTA requiring the national treatment of trade in natural gas and LNG that has, or in the future develops, the capacity to import LNG and with which trade is not prohibited by U.S. law or policy.

Sabine Pass seeks long-term, multi-contract approval to export LNG to applicable countries not otherwise authorized pursuant to DOE/FE Order No. 2833. Sabine Pass categorizes those countries, for purpose of this Application, as countries that hold membership in the World Trade Organization (WTO Countries) and those countries that do not hold membership in the WTO (non-WTO Countries). Sabine Pass requests that FE review its request for authorization to export LNG to WTO Countries under the standard of review set forth in section 3(c) of the NGA, 15 U.S.C. 717b(c). Sabine Pass acknowledges that its request for authorization to export LNG to non-WTO Countries must be reviewed pursuant to the public interest

[1] The Sabine Pass LNG Terminal is an existing LNG import facility located in Cameron Parish, Louisiana that is owned by Sabine Pass's affiliate, Sabine Pass LNG, L.P. (Sabine Pass LNG).

standard articulated in Section 3(a) of the NGA.[2]

Sabine Pass requests authorization to export LNG acting on its own behalf or as agent for others. Citing the nature and complexity of current market practices Sabine Pass seeks a waiver of certain elements of Section 590.202(b) of the DOE regulations [3] that require the Application to include information concerning the source and security of the natural gas supply to be exported and other transaction-specific information.

Sabine Pass requests that, pursuant to Section 590.402 of the DOE regulations,[4] the Assistant Secretary issue a conditional Order authorizing the export of domestically produced LNG conditioned on the completion of the environmental review of the Liquefaction Project by the Federal Energy Regulatory Commission (FERC).

Public Interest Considerations

Sabine Pass states that insofar as the application seeks authorization to export to non-WTO Countries, FE's public interest determination should be guided by DOE's Delegation Order No. 0204–111 which designates "domestic need for the natural gas proposed to be exported as the only explicit criterion that must be considered in determining the public interest." Sabine Pass further states that insofar as the application seeks authorization to export to WTO Countries, DOE should deem the application to be in the public interest and grant the application without modification or delay.

Sabine Pass states that the Liquefaction Project was proposed in response to the improved outlook for domestic natural gas production, in particular to shale gas-bearing formations in the United States. Sabine Pass maintains that improvements in drilling and extraction technologies coupled with the widespread use of best practices in unconventional drilling and resource development have lessened some of the uncertainties associated with future domestic natural gas production.

Sabine Pass states that in support of its Application, it commissioned several reports to assess domestic need for the natural gas to be exported from the Liquefaction Project. Sabine Pass states that these reports, as well as other publicly available information, indicate the United States has significant natural gas resources available at modest prices to meet projected domestic demand and 16 mtpa of exports over the 20-year period as requested in its Application.

Finally, Sabine Pass states that the export of domestically produced LNG will provide the following benefits, which are consistent with the public interest:

First, Sabine Pass contends that the project will stimulate the local, regional, and national economies through job creation, increased economic activity and tax revenues.

Second, Sabine Pass maintains that the Sabine Pass LNG Liquefaction Project will play an influential role in contributing to the growth of natural gas production in the United States and a reduced reliance on foreign sources of oil.

Third, Sabine Pass contends that the export of LNG will further the President's National Export Initiative by improving the balance of payments with the rest of the world, thereby reducing the overall U.S. trade deficit.

Fourth, Sabine Pass maintains that the export of LNG will raise domestic natural gas productive capacity and promote stability in domestic natural gas pricing.

Fifth, Sabine Pass contends that the export of domestically produced LNG will promote liberalization of the global gas market by fostering increased liquidity and trade at prices established by market forces.

Sixth, Sabine Pass maintains that the export of LNG will advance national security and the security of U.S. allies through diversification of global natural gas supplies.

Seventh, Sabine Pass contends that the export of LNG will advance initiatives underway by the current Administration to promote investment in energy infrastructure and to increase trade with neighboring Caribbean and Central/South America nations.

A more complete discussion of these issues can be found in the Application.

Environmental Impact

Sabine Pass states that the Liquefaction Project will have minimal environmental impacts given that all facilities will be located within the previously authorized footprint of the existing Sabine Pass LNG Terminal. Sabine Pass states that the FERC conducted an environmental review of the Sabine Pass LNG Terminal site in connection with authorization of the siting, construction and operation of the Terminal in Docket No. CP04–47–000 and Docket No. CP05–396–000. Sabine Pass states that any additional environmental impacts associated with the construction and operation of the Liquefaction Project will be reviewed by the FERC under the National Energy Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* and by all applicable state and federal permitting agencies (e.g., United States Army Corps of Engineers and Louisiana Department of Natural Resources, among others) as part of the permitting process for the Liquefaction Project.

Related Authorizations

Sabine Pass and Sabine Pass LNG currently are undergoing the FERC's NEPA pre-filing review for the Liquefaction Project in Docket No. PF10–24–000. Sabine Pass and Sabine Pass LNG anticipate filing a formal application with FERC no later than February 2011 and will request that FERC issue authorization of the siting, construction and operation of the Liquefaction Project by December 2011.

DOE/FE Evaluation

This export application will be reviewed pursuant to section 3 of the NGA, as amended, and the authority contained in DOE Delegation Order No. 00–002.00I (Nov. 10, 2009) and DOE Redelegation Order No. 00–002.04D (Nov. 6, 2007). In reviewing this LNG export application, DOE will consider any issues required by law or policy. To the extent determined to be necessary or appropriate, these issues will include domestic need for the gas, the impact on U.S. gross domestic product, consumers, industry, U.S. balance of trade, jobs creation, and other issues, as well as whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues, as well as any other issues deemed relevant to the application.

NEPA requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Due to the complexity and novelty of the issues raised by the Applicants, interested persons will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention, or motions for additional procedures.

Public Comment Procedures

You may submit comments in electronic form on the Federal eRulemaking Portal at *http://www.regulations.gov*. Alternatively, written comments can be submitted

[2] 15 U.S.C. 717b(a).

[3] 10 CFR 590.202(b).

[4] 10 CFR 590.402.

using the procedures discussed below. If using electronic filing, follow the on-line instructions and submit such comments under FE Docket No. 10–111–LNG. DOE/FE suggests that electronic filers carefully review information provided in their submissions, and include only information that is intended to be publicly disclosed. You may not electronically file a protest, motion to intervene, or notice of intervention, but may submit such pleadings using the following process.

In response to this notice, any person may file a protest, motion to intervene or notice of intervention or written comments, as provided in DOE's regulations at 10 CFR part 590.

Any person wishing to become a party to the proceeding and to have their written comments considered as a basis for any decision on the application must file a motion to intervene or notice of intervention, as applicable. The filing of comments or a protest with respect to the application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties may be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements specified by the regulations in 10 CFR part 590. Except where comments are filed electronically, as described above, comments, protests, motions to intervene, notices of intervention, and requests for additional procedures shall be filed with the Office of Oil and Gas Global Security and Supply at the address listed above.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The application filed by Sabine Pass is available for inspection and copying in the Office of Oil and Gas Global Security and Supply docket room, 3E–042, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE web address: *http://www.fe.doe.gov/programs/gasregulation/index.html*. In addition, any electronic comments filed will also be available at: *http://www.regulations.gov*.

Issued in Washington, DC, on October 5, 2010.

John A. Anderson,

Manager, Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Fossil Energy.

[FR Doc. 2010–25546 Filed 10–8–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability of Report on Data Access and Privacy Issues Related to Smart Grid Technologies

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

ACTION: Notice of availability.

SUMMARY: Through this notice, the Department of Energy (DOE) announces the availability of its report entitled, "*Data Access and Privacy Issues Related to Smart Grid Technologies*." In this report, DOE discusses existing trends, consensus, and potential best practices emerging as States use or adapt existing legal regimes to accommodate the deployment of Smart Grid technologies. DOE also provides a comprehensive summary of the comments received in response to a Request for Information and during a public meeting conducted during the preparation of the report. This report responds to recommendations for DOE set forth in the National Broadband Plan authored by the Federal Communications Commission at the direction of Congress.

ADDRESSES: Copies of the report, comments received and the transcript of the public meeting are available for public inspection at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 1G–051, Washington, DC 20585–0121. Public inspection can be conducted between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. These documents can also be accessed online at *http://www.gc.energy.gov/1592.htm*.

FOR FURTHER INFORMATION CONTACT: Maureen C. McLaughlin, Senior Legal Advisor to the General Counsel, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Tel.: (202) 586–5281. E-mail: *broadband@hq.doe.gov*.

For Media Inquiries, you may contact Jen Stutsman at (202) 586–4940. E-mail: *Jen.Stutsman@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: On May 11, 2010, DOE published a Request for Information (RFI) seeking comments and information from interested parties to assist DOE in understanding current and potential practices and policies for the states and other entities to empower consumers (and perhaps others) through access to detailed energy information in electronic form—including real-time information from smart meters, historical consumption data, and pricing and billing information. 75 FR 26203. The RFI asked interested parties, including industry, consumer groups and state governments, to report on state efforts to enact Smart Grid privacy and data collection policies. The RFI also sought input regarding individual electric utility practices and policies regarding data access and collection; third party access to detailed energy information; and the role of the consumer in balancing the benefits of access and privacy. Finally, the RFI sought comment on what policies and practices should guide policymakers in determining who can access consumers' energy information and under what conditions. To gather additional data, DOE also published a notice in the **Federal Register** announcing a public meeting to discuss the issues presented in the RFI. 75 FR 33611 (June 14, 2010). The public meeting, held on June 29, 2010, provided another forum in which interested parties could provide comments and information, as well as

engage in constructive dialogue with other interested parties.

In developing its report entitled, "*Data Access and Privacy Issues Related to Smart Grid Technologies,*" DOE considered all of the comments and information received during the public comment process, as well as other information pertaining to issues of access to and privacy protections for consumer energy usage data. In this report, DOE discusses the results of DOE's efforts to collect and analyze diverse perspectives on the current state of data security and consumer privacy issues associated with the ongoing development and deployment of Smart Grid technologies. DOE also reviews and summarizes the public comments received in response to the RFI and during the public meeting that provide support for the recommendations and observations offered in the report.

Issued in Washington, DC, on October 5, 2010.

Scott Blake Harris,

General Counsel.

[FR Doc. 2010–25544 Filed 10–8–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Availability of Report on the Communications Requirements of Smart Grid Technologies

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

ACTION: Notice of availability.

SUMMARY: Through this notice, the Department of Energy (DOE) announces the availability of its report entitled, "*Communications Requirements of Smart Grid Technologies*." In this report, DOE sets forth recommendations and observations on current and potential communications requirements of the Smart Grid, as well as the types of networks and communications services that may be used. DOE also provides a comprehensive summary of the comments received in response to a Request for Information and during a public meeting conducted during the preparation of the report. This report responds to recommendations for DOE set forth in the National Broadband Plan authored by the Federal Communications Commission at the direction of Congress.

ADDRESSES: Copies of the report, comments received and the transcript of the public meeting are available for public inspection at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Room 1G–051, Washington, DC 20585–0121. Public inspection can be conducted between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. These documents can also be accessed online at *http://www.gc.energy.gov/1592.htm*.

FOR FURTHER INFORMATION CONTACT: Maureen C. McLaughlin, Senior Legal Advisor to the General Counsel, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Tel.: (202) 586–5281. E-mail: *broadband@hq.doe.gov*.

For Media Inquiries, you may contact Jen Stutsman at (202) 586–4940. E-mail: *Jen.Stutsman@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: On May 11, 2010, DOE published a Request for Information (RFI) seeking comments and information from interested parties to assist DOE in understanding current and future communications needs of the Smart Grid and how they may be met. 75 FR 26206. The RFI sought to collect information and open a dialogue about the communications technologies required to realize the many potential benefits of the Smart Grid, as well as the types of networks and communications services that may be used to meet these requirements. To gather additional data, DOE also published a notice in the **Federal Register** announcing a public meeting to discuss the issues presented in the RFI. 75 FR 33611 (June 14, 2010). The public meeting, held on June 17, 2010, provided another forum in which interested parties could provide comments and information, as well as engage in constructive dialogue with other interested parties.

In developing its report entitled, "*Communications Requirements of Smart Grid Technologies,*" DOE considered all of the comments and information received during the public comment process, as well as other information pertaining to communications requirements of the Smart Grid. In this report, DOE discusses the results of DOE's efforts to collect and analyze diverse perspectives on the current and future communications requirements of the Smart Grid.

Issued in Washington, DC, on October 5, 2010.

Scott Blake Harris,

General Counsel.

[FR Doc. 2010–25541 Filed 10–8–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–510–000]

El Paso Natural Gas Company; Notice of Application

October 4, 2010.

Take notice that on September 28, 2010, El Paso Natural Gas Company (EPNG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in the above referenced docket an application pursuant to section 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting the abandonment in place of EPNG's Deming Compressor Station located in Luna County, New Mexico and Tucson Compressor Station located in Gila County, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Any questions concerning this application may be directed to Susan C. Stires, Director, Regulatory Affairs, El Paso Natural Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944 at (719) 667–7514 or by fax at (719) 667–7534.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 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: October 25, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25513 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12626–002]

Northern Illinois Hydropower, LLC; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

October 4, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original major license.

b. *Project No.:* 12626–002.

c. *Date filed:* March 31, 2009.

d. *Applicant:* Northern Illinois Hydropower, LLC.

e. *Name of Project:* Dresden Island Project.

f. *Location:* U.S. Army Corps of Engineers' Dresden Island Lock and Dam on the Illinois River, in the Town of Morris, Grundy County, Illinois.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Damon Zdunich, Northern Illinois Hydropower, LLC, 801 Oakland Avenue, Joliet, IL 60435, (312) 320–1610.

i. *FERC Contact:* Janet Hutzel, (202) 502–8675 or *janet.hutzel@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance of this notice:* Reply comments are due 105 days from the issuance date of this notice.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/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.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

l. *Project Description:* The Dresden Island Project would utilize the Corps of Engineers' existing Dresden Island Lock and Dam and would consist of: (1) A new 75-foot by 125-foot concrete powerhouse, located between headgate sections 10 through 16, containing three generating units with a total installed capacity of 10.2 MW; (2) a new 50-foot by 50-foot switchyard adjacent to powerhouse building; (3) a new 0.8-mile-long transmission line; and (4) appurtenant facilities. The project would have an average annual generation of about 60,000 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) Bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25516 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13802–000]

California Water Service Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

October 1, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Conduit exemption.

b. *Project No.:* 13802–000.

c. *Date filed:* June 29, 2010.

d. *Applicant:* California Water Service Company.

e. *Name of Project:* Palos Verdes Energy Recovery Project.

f. *Location:* The proposed Palos Verdes Energy Recovery Project would be located at 5837 Crest Road West, City of Rancho Palos Verdes in Los Angeles County, California. The land on which all the project structures are located is owned by the applicant.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Erin McCauley, P.E., Manager of Design, California Water Service Company, 1720 North First Street, San Jose, CA 95112–4598, Telephone (408) 367–8279.

i. *FERC Contact:* Jake Tung, telephone (202) 502–8757, and e-mail address *hong.tung@ferc.gov.*

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing responsive documents:* Due to the small size and location of the proposed project in a closed system, as well as the resource agency consultation letters filed with the application, the 60-day timeframe specified in 18 CFR 4.43(b) for filing all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions is shortened to 30 days from the issuance date of this notice. All reply comments filed in response to comments submitted by any resource agency, Indian tribe, or person, must be filed with the Commission within 45 days from the issuance date of this notice.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii). 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.* The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The proposed Palos Verdes Energy Recovery Project would consist of: (1) A proposed concrete pad located above the existing vault with no physical changes to the existing cement infrastructure; (2) one reverse-pump turbine generator unit with a rated capacity of 325 kW; (3) the turbine generator unit to be installed within the pipeline using custom piping, T-flanges and electronic valves; and (4) appurtenant facilities. The project construction is tentatively scheduled to begin in December 2010 and to be commissioned in January 2011. The project would produce an estimated annual generation of 2,000,000 kilowatt-hours that would be sold to Southern California Edison.

m. This filing is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426. The filing may also be viewed on the Web at *http://www.ferc.gov/docs-filing/efiling.asp.* Enter the docket number (P–13802) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676. For TTY, call (202) 502–8659. A copy is also available for review and reproduction at the address in item h above.

n. *Development Application*—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

o. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a competing development application. A notice of intent must be served on the applicant(s) named in this public notice.

p. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

q. All filings must (1) bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading, the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and seven copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

r. *Waiver of Pre-filing Consultation:* In a letter dated April 1, 2010, the applicant requested the agencies' support to waive the Commission's consultation requirements under 18 CFR 4.38(c). On June 4, 2010, the U.S. Fish and Wildlife Service (FWS) recommended that a habitat assessment be completed to assess the potential for federally listed species to occur within the project area. In response, the applicant provided a report stating that the proposed construction will have no impact to federally listed species. No other comments were received. Therefore, we intend to accept the consultation that has occurred on this project during the pre-filing period and we intend to waive pre-filing consultation under section 4.38(c), which requires, among other things, conducting studies requested by resource agencies, and distributing and consulting on a draft exemption application.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25511 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12717–002]

Northern Illinois Hydropower, LLC; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

October 4, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original major license.

b. *Project No.:* 12717–002.

c. *Date filed:* May 27, 2009.

d. *Applicant:* Northern Illinois Hydropower, LLC.

e. *Name of Project:* Brandon Road Hydroelectric Project.

f. *Location:* U.S. Army Corps of Engineers' Brandon Road Lock and Dam on the Des Plaines River, near the City of Joliet, Will County, Illinois. The project would occupy about 1.6 acres of federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Damon Zdunich, Northern Illinois Hydropower, LLC, 801 Oakland Avenue, Joliet, IL 60435, (312) 320–1610.

i. *FERC Contact:* Janet Hutzel, (202) 502–8675 or *janet.hutzel@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance of this notice:* Reply comments are due 105 days from the issuance date of this notice.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/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.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

l. *Project Description:* The Brandon Road Hydroelectric Project would utilize the Corps of Engineer's existing Brandon Road Lock and Dam and would consist of: (1) A new 90-foot by 118-foot concrete powerhouse, located between headgate sections 1 through 4, containing two generating units with a total installed capacity of 10.2 megawatts; (2) a new 50-foot by 50-foot switchyard adjacent to the west side of the proposed powerhouse; (3) a new 1-mile-long, 34.5-kilovolt transmission line; and (4) appurtenant facilities. The project would have an average annual generation of about 59,000 megawatt-hours.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document.

For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) Bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25517 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–130–000; PR10–131–000; PR10–132–000; PR10–133–000; PR10–134–000; PR10–135–000; PR10–136–000 (Not Consolidated)]

Rocky Mountain Natural Gas LLC; KeySpan Gas East Corporation; ECOP Gas Company, LLC; MGTC, Inc; Hill-Lake Gas Storage, LLC; Southern California Gas Company; ETC Katy Pipeline, Ltd.; Notice of Baseline Filings

October 4, 2010.

Take notice that on September 30, 2010, and October 1, 2010, respectively the applicants listed above submitted their baseline filing of its Statement of Operating Conditions for services provided under section 311 of the Natural Gas Policy Act of 1978 (NGPA).

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive 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 Friday, October 15, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25519 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–123–000; PR10–124–000; PR10–125–000; PR10–126–000;. PR10–127–000; PR10–128–000; PR10–129–000 (Not Consolidated)]

Northern Illinois Gas Company; Lee 8 Storage Partnership; NorthWestern Corporation; The East Ohio Gas Company; UGI Central Penn Gas, Inc.; Arkansas Western Gas Company; Boston Gas Company; Notice of Baseline Filings

October 4, 2010.

Take notice that on September 29, 2010, and September 30, 2010, respectively the applicants listed above submitted their baseline filing of its Statement of Operating Conditions for services provided under section 311 of the Natural Gas Policy Act of 1978 (NGPA).

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies

of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please 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 Friday, October 15, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25518 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 1, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–105–000.

Applicants: Exelon Corporation, Exelon Generation Company, LLC, Exelon Ventures Co, LLC.

Description: Joint Application for Approval Under Section 203 of the Federal Power Act and Request for Expedited Action of Exelon Corporation, *et. al.*

Filed Date: 09/30/2010.

Accession Number: 20100930–5387.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER99–1757–017.

Applicants: The Empire District Electric Company.

Description: Notice of Change in Status of The Empire District Electric Company.

Filed Date: 09/30/2010.

Accession Number: 20100930–5393.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–895–006.

Applicants: The Detroit Edison Company.

Description: Duke Edison Company submits amendment to request for delay in effectiveness of the notice of cancellation.

Filed Date: 09/30/2010.

Accession Number: 20100930–0212.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–2214–001.

Applicants: Zion Energy LLC.

Description: Zion Energy LLC submits tariff filing per 35.17(b): Unopposed Motion to Hold Proceedings in Abeyance to be effective 12/31/9998.

Filed Date: 09/30/2010.

Accession Number: 20100930–5479.

Comment Date: 5 p.m. Eastern Time on Thursday, October 7, 2010.

Docket Numbers: ER10–2541–001.

Applicants: Maple Analytics, LLC.

Description: Maple Analytics, LLC submits tariff filing per 35: Maple Analytics, LLC Compliance Filing to be effective 10/8/2010.

Filed Date: 09/24/2010.

Accession Number: 20100924–5208.

Comment Date: 5 p.m. Eastern Time on Friday, October 15, 2010.

Docket Numbers: ER10–3283–000.

Applicants: Liberty Electric Power, LLC.

Description: FortisOntario Inc submits its notice of cancellation of its FERC Electric Tariff, Original Volume 1 *et al.*

Filed Date: 09/30/2010.

Accession Number: 20100930–0211.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3284–000.

Applicants: Vermont Electric Power Company.

Description: Vermont Electric Power Company submits First Revised Sheet No 2 *et al* to Original Rate Schedule No. 248, effective 11/29/10.

Filed Date: 09/30/2010.

Accession Number: 20100930–0210.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3294–000.

Applicants: MidAmerican Energy Company.

Description: MidAmerican Energy Company submits tariff filing per 35.12: Services Tariff-Baseline Filing to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5368.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3295–000.

Applicants: Sierra Pacific Power Company.

Description: Sierra Pacific Power Company submits tariff filing per 35: Concurrence-NV Energy, Inc. Operating Companies Open Access Transmission Tariff to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5373.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3296–000.

Applicants: Rockpile Energy LP.

Description: Rockpile Energy LP submits tariff filing per 35.12: Rockpile Energy LP, FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5379.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3297–000.

Applicants: Powerex Corporation.

Description: Powerex Corporation submits tariff filing per 35.12: Powerex Corp. FERC Rate Schedule No. 1 Baseline to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5383.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3298–000.

Applicants: Powerex Corporation.

Description: Powerex Corporation submits tariff filing per 35.12: Powerex Corp. FERC Rate Schedule No. 5 Baseline to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5386.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3299–000.

Applicants: New Athens Generating Company, LLC.

Applicants: New Athens Generating Company, LLC.

Description: New Athens Generating Company, LLC submits tariff filing per 35.12: FERC Electric Tariff to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5389.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3300–000.

Applicants: La Paloma Generating Company, LLC.

Description: La Paloma Generating Company, LLC submits tariff filing per 35.12: La Paloma Generating Company, LLC FERC Electric Rate Schedule No.1 Baseline to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5390

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010

Docket Numbers: ER10–3301–000.

Applicants: GWF Energy LLC.

Description: GWF Energy LLC submits tariff filing per 35.12: GWF Energy LLC FERC Electric Rate Tariff Baseline to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5391.

Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3302–000.
Applicants: Stuyvesant Energy LLC.
Description: Stuyvesant Energy LLC submits tariff filing per 35.12: Stuyvesant Energy LLC FERC Electric Rate Schedule No. 1 Baseline to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5392.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3303–000.
Applicants: Nevada Power Company.
Description: Nevada Power Company submits tariff filing per 35: Baseline-WestConnect Pnt-To-Pnt Regional Trans Srv Experiment Tariff to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5399.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3304–000.
Applicants: Black Hills/Colorado Electric Utility Company, LP.
Description: Black Hills/Colorado Electric Utility Company, LP submits tariff filing per 35.12: Baseline OATT of Black Hills/Colorado Electric Utility Company, LP to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5401.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3305–000.
Applicants: Electric Energy, Inc.
Description: Electric Energy, Inc. submits tariff filing per 35.12: Baseline Filing to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5403.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3306–000.
Applicants: SU FERC, L.L.C.
Description: SU FERC, L.L.C. submits tariff filing per 35.15: Cancellation to be effective 10/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5411.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3307–000.
Applicants: NRG Energy Center Dover LLC.
Description: NRG Energy Center Dover LLC submits tariff filing per 35.12: NRG Energy Center Dover Reactive Supply Service to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5416.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3308–000.
Applicants: Criterion Power Partners, LLC.
Description: Criterion Power Partners, LLC submits tariff filing per 35.12: Criterion Power Partners, LLC Market-Based Rate Tariff to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5450.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3309–000.
Applicants: Consolidated Edison Company of New York.
Description: Consolidated Edison Company of New York, Inc. submits tariff filing per 35.13(a)(2)(iii: Amendments to PASNY and EDDS Tariffs to be effective 10/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5453.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3310–000.
Applicants: New Harquahala Generating Company, LLC.
Description: New Harquahala Generating Company, LLC submits tariff filing per 35.12: New Harquahala FERC Electric Tariff to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5468.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3311–000.
Applicants: BJ Energy, LLC.
Description: BJ Energy, LLC submits tariff filing per 35.12: BJ Energy, LLC, FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5476.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3312–000.
Applicants: Pure Energy Inc.
Description: Pure Energy Inc submits tariff filing per 35.12: Pure Energy, LLC to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5477.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3313–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii) PJM Submittal of ISA No. 2641 and CSA Nos. 2642, 2643 with AES New Creek to be effective 9/17/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5478.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3314–000.
Applicants: West Oaks Energy, LLC.
Description: West Oaks Energy, LLC submits tariff filing per 35.12: West Oaks Energy, LLC, FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5480.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3315–000.
Applicants: Indeck-Oswego Limited Partnership.
Description: Indeck-Oswego Limited Partnership submits tariff filing per 35.12: Indeck-Oswego, Limited Partnership, FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5481.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3316–000.
Applicants: Indeck Energy Services of Silver Springs.
Description: Indeck Energy Services of Silver Springs Inc. submits tariff filing per 35.12: Indeck Energy Services of Silver Springs, Inc., FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5482.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3317–000.
Applicants: Nevada Power Company.
Description: Nevada Power Company submits tariff filing per 35.12: ON Line Transmission Use and Capacity Agreement to be effective 11/19/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5485.
Comment Date: 5 p.m. Eastern Time on Friday, October 15, 2010.

Docket Numbers: ER10–3318–000.
Applicants: Silverado Energy LP.
Description: Silverado Energy LP submits tariff filing per 35.12: Silverado Energy LP, FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5488.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3319–000.
Applicants: Astoria Energy II LLC.
Description: Astoria Energy II LLC submits tariff filing per 35.12: Astoria Energy II LLC FERC Electric Tariff No. 1 to be effective 11/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5490.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3320–000.
Applicants: MAG Energy Solutions Inc.
Description: MAG Energy Solutions Inc. submits tariff filing per 35.12: MAG Energy Solutions, Inc., FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.

Filed Date: 09/30/2010.
Accession Number: 20100930–5492.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3321–000.
Applicants: Red Wolf Energy Trading.
Description: Red Wolf Energy Trading submits tariff filing per 35.12: Red Wolf Energy Trading, LLC, FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5495.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3322–000.
Applicants: Black Hills Power, Inc.
Description: Black Hills Power, Inc. submits tariff filing per 35.12: Baseline OATT of Black Hills Power, Inc. to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5496.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Docket Numbers: ER10–3323–000.
Applicants: Indeck-Olean Limited Partnership.
Description: Indeck-Olean Limited Partnership submits tariff filing per 35.12: Indeck-Olean, Limited Partnership, FERC Electric MBR Tariff No. 1 to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5497.
Comment Date: 5 p.m. Eastern Time on Thursday, October 21, 2010.

Any person desiring to intervene or to protest in any of the above proceedings 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.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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 St., NE., Washington, DC 20426.

The filings in the above proceedings 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 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.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2010–25564 Filed 10–8–10; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 3

October 4, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1027–001.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits tariff filing per 154.203: Volume 2 Baseline Filing to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5397.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1221–001.
Applicants: CenterPoint Energy Gas Transmission Company.
Description: CenterPoint Energy Gas Transmission Company submits tariff filing per 154.203: NAESB EDI Form Filing to be effective 11/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5362.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1250–001.
Applicants: CenterPoint Energy—Mississippi River Transmission Corporation.
Description: CenterPoint Energy—Mississippi River Transmission Corporation submits tariff filing per 154.203: NAESB 1.9 EDI Form to be effective 11/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5348.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1304–001.
Applicants: Gulf States Transmission Corporation.
Description: Gulf States Transmission Corporation submits tariff filing per 154.203: Gulf States Transmission Corporation Tariff Filing per Order No. 587–U to be effective 11/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5489.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–619–001.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits tariff filing per 154.203: Tariff Clean up Sheet 24 to be effective 4/19/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5206.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–25563 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

October 4, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1–000.

Applicants: Southwest Gas Storage Company.

Description: Southwest Gas Storage Company submits tariff filing per 154.204: Fuel Reimbursement Adjustment to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5075.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–2–000.

Applicants: Panhandle Eastern Pipe Line Company, LP.

Description: Panhandle Eastern Pipe Line Company, LP submits tariff filing per 154.204: Fuel Reimbursement Adjustment to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5076.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–3–000.

Applicants: Trunkline Gas Company, LLC.

Description: Trunkline Gas Company, LLC submits tariff filing per 154.204: Fuel Reimbursement Adjustment to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5079.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–4–000.

Applicants: Trunkline Gas Company, LLC.

Description: Trunkline Gas Company, LLC submits tariff filing per 154.203: Annual Rpt of Flow Through to be effective N/A.

Filed Date: 10/01/2010.

Accession Number: 20101001–5080.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–5–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: HK Transportation LLC Amendment to be effective 10/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5085.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–6–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: Maritimes & Northeast Pipeline, L.L.C. submits tariff filing per 154.204: FOSA Modifications to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5098.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–8–000.

Applicants: Southeast Supply Header, LLC.

Description: Southeast Supply Header, LLC submits tariff filing per 154.204: Negotiated Rate Agreement—contract 840024 to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5113.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–10–000.

Applicants: Destin Pipeline Company, L.L.C.

Description: Destin Pipeline Company, L.L.C. submits tariff filing per 154.203: NAESB Compliance Filing 1.9 to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5119.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–11–000.

Applicants: Cheniere Creole Trail Pipeline, L.P.

Description: Cheniere Creole Trail PIPELINE, L.P. submits tariff filing per 154.20T: Transportation Retainage Adjustment to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5123.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–12–000.

Applicants: Columbia Gulf Transmission Company.

Description: Columbia Gulf Transmission Company submits tariff filing per 154.204: Non-Conforming—CenterPoint Energy—# 20568 to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5133.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–13–000.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc. submits tariff filing per 154.204: DTI—Non-Conforming Agreements to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5136.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–14–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: TETCO 10–1–10 Negotiated Rate Agreement to be effective 10/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5147.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–15–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: HK to Sequent Cap Rel Neg Rate Agmt to be effective 10/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5155.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–16–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Devon Amendment to be effective 10/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5171.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–17–000.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc. submits tariff filing per 154.204: DTI—Dominion Hub III Negotiated Rate Agreement to be effective 11/1/2010.

Filed Date: 10/01/2010.
Accession Number: 20101001–5180.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–18–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: TEMAX–TIME 3 In-Service Filing to be effective 11/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5226.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–19–000.
Applicants: CenterPoint Energy Gas Transmission Company.
Description: CenterPoint Energy Gas Transmission Company submits tariff filing per 154.204: KGen Negotiated Rate Filing—10–2010 to be effective 9/30/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5238.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–20–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.601: Negotiated Rate—Wisconsin Electric Power Company to be effective 10/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5243.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–21–000.
Applicants: ETC Tiger Pipeline, LLC.
Description: ETC Tiger Pipeline, LLC submits Original Sheet 1 et al to FERC Gas Tariff, Original Volume 1 effective 12/1/10.
Filed Date: 10/01/2010.
Accession Number: 20101001–0214.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–22–000.
Applicants: Portland Natural Gas Transmission System.
Description: Portland Natural Gas Transmission System submits tariff filing per 154.203: Short Term Services to be effective 10/23/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5266.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–23–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: Midcontinent Express Pipeline LLC submits tariff filing per 154.204: Tenaska's Negotiated Rate Filing to be effective 10/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5276.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–24–000.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits tariff filing per 154.204: SVS to be effective 11/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5277.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–25–000.
Applicants: Colorado Interstate Gas Company.
Description: Colorado Interstate Gas Company submits tariff filing per 154.203: Raton 2010 Expansion Compliance Filing to be effective 12/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5280.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–26–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Wyoming Interstate Company, L.L.C. submits tariff filing per 154.204: Wamsutter System Enhancement Non-Conf. Agreement Filing to be effective 11/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5302.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–27–000.
Applicants: Northwest Pipeline GP.
Description: Northwest Pipeline GP submits tariff filing per 154.204: Northwest Pipeline GP—Non-Conforming Volume & Agreement to be effective 11/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5305.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–28–000.
Applicants: Hardy Storage Company, LLC.
Description: Hardy Storage Company, LLC submits tariff filing per 154.204: RAM 2010 to be effective 11/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5306.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–29–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.203: Compliance Filing—Semi-annual Fuel & Electric Power Reimbursement to be effective 10/1/2010.
Filed Date: 10/01/2010.
Accession Number: 20101001–5307.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–30–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Motion of Gulf South Pipeline Company, LP for waiver of Filing Requirements under 18 CFR ¶ 284.13(c).
Filed Date: 10/01/2010.
Accession Number: 20101001–5316.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP11–31–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: JW to Q–West #1 to be effective 10/1/2010.
Filed Date: 10/04/2010.
Accession Number: 20101004–5041.
Comment Date: 5 p.m. Eastern Time on Monday, October 18, 2010.

Docket Numbers: RP11–32–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: JW to Q–West #2, 10–1–10 to be effective 10/1/2010.
Filed Date: 10/04/2010.
Accession Number: 20101004–5042.
Comment Date: 5 p.m. Eastern Time on Monday, October 18, 2010.

Any person desiring to intervene or to protest in any of the above proceedings 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.

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must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–25562 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 4, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1390–000.

Applicants: Fayetteville Express Pipeline LLC.

Description: Fayetteville Express Pipeline LLC submits tariff filing per 154.601: XTO Assignment Filing to be effective 10/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5199.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1391–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Iroquois Gas Transmission System, L.P. Annual update of its Deferred Asset Surcharge for the amortization period commencing November 1, 2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5202.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1392–000.

Applicants: Tennessee Gas Pipeline Company.

Description: Tennessee Gas Pipeline Company submits tariff filing per 154.204: PR Negotiated Rate Devon to BP to be effective 10/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5214.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1393–000.

Applicants: Enbridge Offshore Pipelines (UTOS) LLC.

Description: Enbridge Offshore Pipelines (UTOS) LLC submits tariff filing per 154.312: UTOS Rate Case to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5237.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1394–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits First Revised Sheet No 1 *et al.* to FERC Gas Tariff, Sixth Revised Volume No 1, to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5246.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1395–000.

Applicants: Petal Gas Storage, L.L.C.

Description: Petal Gas Storage, L.L.C. submits tariff filing per 154.203: Baseline Compliance to RM01–5 (E–Tariff) to be effective 11/2/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5254.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1396–000.

Applicants: Gas Transmission Northwest Corporation.

Description: Gas Transmission Northwest Corporation submits tariff filing per 154.204: Medford E2 Rate Adj. to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5267.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1397–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Wyoming Interstate Company, L.L.C. submits their Transportation Service Agreements etc with Bill Barret/Anadarko, to be effective 10/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5275.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1398–000.

Applicants: El Paso Natural Gas Company.

Description: El Paso Natural Gas Company submits tariff filing per 154.312: System-Wide Rate Case to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5312.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1399–000.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Negotiated Rates 2010–10 to be effective 10/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5322.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1400–000.

Applicants: Chandeleur Pipe Line Company.

Description: Chandeleur Pipe Line Company submits tariff filing per 154.203: Chandeleur Pipe Line Company Baseline FERC Gas Tariff Filing to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5324.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1401–000.

Applicants: Viking Gas Transmission Company.

Description: Viking Gas Transmission Company submits tariff filing per 154.204: Removal of Non-Conforming Agreements to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5335.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1402–000

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.203: Baseline Filing to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5339.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1403–000.

Applicants: Sabine Pipe Line LLC.

Description: Sabine Pipe Line LLC submits tariff filing per 154.203: Sabine Pipe Line LLC Baseline Tariff Filing to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5341.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1404–000.

Applicants: High Island Offshore System, L.L.C.

Description: High Island Offshore System, L.L.C. submits tariff filing per

154.203: Initial Baseline Filing to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5394.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1405–000.

Applicants: Young Gas Storage Company, Ltd.

Description: Operational Purchases and Sales Report for the 12 months ending June 30, 2010 of Young Gas Storage Company, Ltd.

Filed Date: 09/30/2010.

Accession Number: 20100930–5402.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1406–000.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits tariff filing per 154.403: 2010 Periodic Rate Adjustment to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5434.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1407–000.

Applicants: Kinder Morgan Interstate Gas Transmission LLC.

Description: Kinder Morgan Interstate Gas Transmission LLC submits tariff filing per 154.204: Negotiated Rate 2010–09–30 Mieco and TMV to be effective 10/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5461.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1408–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.204: Negotiated Rate Agreement Filing to be effective 10/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5472.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1409–000.

Applicants: Ozark Gas Transmission, L.L.C.

Description: Ozark Gas Transmission, L.L.C. submits tariff filing per 154.204: Negotiated Rate—BP—Contract 850008 to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5483.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1410–000.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits tariff filing per 154.203: 2010 Reservation Charge Credits to be effective 12/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5487.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1411–000

Applicants: UGI LNG Inc.

Description: UGI LNG Inc. submits tariff filing per 154.203: UGI LNG FERC Gas Tariff No. 1 to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5491.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1412–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: Natural Gas Pipeline Company of America LLC submits tariff filing per 154.203: Compliance in Docket Nos. RP10–147–004, RP10–147–005 and RP10–1402 to be effective 10/2/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5009.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Docket Numbers: RP10–1413–000.

Applicants: TransColorado Gas Transmission Company LLC.

Description: TransColorado Gas Transmission Company LLC submits tariff filing per 154.204: No Fuel Filing—Enterprise to be effective 11/1/2010.

Filed Date: 10/01/2010.

Accession Number: 20101001–5010.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 13, 2010.

Any person desiring to intervene or to protest in any of the above proceedings 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 St. NE., Washington, DC 20426.

The filings in the above proceedings 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 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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–25561 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

September 30, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1361–000.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc. submits tariff filing per 154.203: DTI—Service Agreement Termination Notice to be effective N/A.

Filed Date: 09/29/2010.

Accession Number: 20100929–5175.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1362–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Negotiate Rate 2010–09–29 A&R Northwind, Enserco, Concord to be effective 10/1/2010.

Filed Date: 09/29/2010.

Accession Number: 20100929–5203.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1363–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Non-conforming Service Agreement 910791 to be effective 10/1/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5220.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1364–000.
Applicants: TransColorado Gas Transmission Company LLC.
Description: TransColorado Gas Transmission Company LLC submits tariff filing per 154.204: Index Publication Change to be effective 11/1/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5224.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1365–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Cleanup GT&C Section 32 to be effective 5/17/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5275.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1366–000.
Applicants: Centra Pipelines Minnesota Inc.
Description: Centra Pipelines Minnesota Inc. submits tariff filing per 154.203: Baseline Filing of FERC Gas Tariff No. 1 to be effective 10/1/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5298.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1367–000.
Applicants: Texas Gas Transmission, LLC.
Description: Texas Gas Transmission, LLC submits tariff filing per 154.403(d)(2): 2010 Fuel Tracker to be effective 11/1/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5306.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1368–000.
Applicants: Gas Transmission Northwest Corporation.
Description: Gas Transmission Northwest Corporation submits tariff filing per 154.203: Compliance RP10–901 to be effective 8/1/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5312.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1369–000.
Applicants: Guardian Pipeline, L.L.C.
Description: Guardian Pipeline, L.L.C. submits tariff filing per 154.203: Guardian Agreement Baseline to be effective 10/1/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5389.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1370–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: Maritimes & Northeast Pipeline, L.L.C. submits tariff filing per 154.403(d)(2): MNUS FRQ Effective Nov. 2010 to be effective 11/1/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5407.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1371–000.
Applicants: Caledonia Energy Partners, L.L.C.
Description: Caledonia Energy Partners, L.L.C. submits its baseline filing to FERC Gas Tariff, Volume No. 1 pursuant to Order No. 714, to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5004.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1372–000.
Applicants: CenterPoint Energy Gas Transmission Company.
Description: CenterPoint Energy Gas Transmission Company submits First Revised Sheet 501 *et al.* to its FERC Gas Tariff, Seventh Revised Volume No. 1, to be effective 11/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5006.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1373–000.
Applicants: Golden Triangle Storage, Inc.
Description: Golden Triangle Storage, Inc. submits its Baseline Tariff Filing to FERC Gas Tariff, First Revised Volume No. 1 in Compliance with Order No. 714, to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5007.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1374–000.
Applicants: Paiute Pipeline Company.
Description: Southwest Gas Transmission Company submits its Baseline Filing to FERC Gas Tariff, First Revised Volume No. 2, to be effective 10/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5011.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1375–000.
Applicants: Total Peaking Services, L.L.C.
Description: Total Peaking Services, L.L.C. submits tariff filing per 154.203: Total Peaking Services, L.L.C.—Baseline eTariff Filing to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5018.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1376–000.
Applicants: Dominion Transmission, Inc.
Description: Dominion Transmission, Inc. submits tariff filing per 154.403: DTI—Annual EPCA to be effective 11/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5046.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1377–000.
Applicants: Dominion Transmission, Inc.
Description: Dominion Transmission, Inc. submits tariff filing per 154.403(d)(2): DTI—Annual TCRA to be effective 11/1/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5058.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1378–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.203: Baseline Compliance Filing to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5069.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1379–000.
Applicants: Williston Basin Interstate Pipeline Company.
Description: Williston Basin Interstate Pipeline Company submits tariff filing per 154.204: Account 191 Filing to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5071.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1380–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.203: Baseline Filing to be effective 9/30/2010.
Filed Date: 09/30/2010.
Accession Number: 20100930–5073.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1381–000.
Applicants: Wyoming Interstate Company, L.L.C.

Description: Operational Purchases and Sales Report covering the 12-month period ending June 30, 2010 of Wyoming Interstate Company, L.L.C.

Filed Date: 09/30/2010.

Accession Number: 20100930–5092.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1382–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Enerquest to Trans Louisiana 9–29–10 to be effective 10/1/2010.

Filed Date: 09/29/2010.

Accession Number: 20100929–5543.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1383–000.

Applicants: Portland Natural Gas Transmission System.

Description: Portland Natural Gas Transmission System submits tariff filing per 154.203: Baseline Filing to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5109.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1384–000.

Applicants: National Fuel Gas Supply Corporation.

Description: National Fuel Gas Supply Corporation submits tariff filing per 154.203: October 2010 IG Rate to be effective 10/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5111.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1385–000.

Applicants: West Texas Gas, Inc.

Description: West Texas Gas, Inc. submits tariff filing per 154.203: West Texas Gas, Inc. FERC Gas Tariff Second Revised Volume No. 1 to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5112.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1386–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Devon to Texla 9–30–10 to be effective 10/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5120.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1387–000.

Applicants: Carolina Gas Transmission Corporation.

Description: Carolina Gas Transmission Corporation submits tariff filing per 154.204: Change In Rate Schedule, Forms of Service Agreement, or GT&C to be effective 11/1/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5138.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1388–000.

Applicants: OkTex Pipeline Company, L.L.C.

Description: OkTex Pipeline Company, L.L.C. submits tariff filing per 154.203: OKTex Baseline Filing to be effective 9/30/2010.

Filed Date: 09/30/2010.

Accession Number: 20100930–5154.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1389–000.

Applicants: Wyckoff Gas Storage Company, LLC.

Description: Wyckoff Gas Storage Company, LLC submits tariff filing per 154.203: Baseline Filing to be effective 9/30/2010 under RP10–01389–000 Filing Type: 740

Filed Date: 09/30/2010.

Accession Number: 20100930–5187.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Any person desiring to intervene or to protest in any of the above proceedings 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.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–25560 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

September 29, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1145–001.

Applicants: Southern Natural Gas Company.

Description: Southern Natural Gas Company submits substitute tariff section which includes the revision to Standard 1.3.45 pursuant to Order No. 587–U Compliance Amendment, to be effective 11/1/2010.

Filed Date: 09/24/2010.

Accession Number: 20100924–5181.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: RP10–1331–001.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits tariff filing per 154.205(b): Amendment—Non-Conforming—Jay-Bee to be effective 10/1/2010.

Filed Date: 09/28/2010.

Accession Number: 20100928–5303.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1346–001.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits tariff filing per 154.205(b): Amendment—Non-Conforming BlueStone to be effective 10/1/2010.

Filed Date: 09/28/2010.
Accession Number: 20100928–5342.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–987–003.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.203: Non-Conforming—UGI—Compliance—Errata to be effective 8/23/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5436.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1083–002.
Applicants: Eastern Shore Natural Gas Company.
Description: Eastern Shore Natural Gas Company submits tariff filing per 154.203: Revised Baseline Electronic Tariff to be effective 8/16/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5071.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–25559 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

September 29, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1348–000.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits its Transportation Retainage Adjustment (TRA)—Periodic Filing Decrease in Retainage, to be effective 11/1/2010
Filed Date: 09/28/2010.
Accession Number: 20100928–5230.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1349–000.
Applicants: ANR Storage Company.
Description: ANR Storage Company submits tariff filing per 154.204: Op. Purchase & Sales, ROFR to be effective 10/29/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5291.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1350–000.
Applicants: Viking Gas Transmission Company.
Description: Viking Gas Transmission Company submits tariff filing per 154.403(d)(2): Semi Annual FLRP–Fall 2010 to be effective 11/1/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5313.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1351–000.
Applicants: Hampshire Gas Company.
Description: Hampshire Gas Company submits tariff filing per 154.203: Hampshire Gas Company Baseline Gas Tariff to be effective 9/28/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5327.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1352–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Oneok to BG Energy to be effective 10/1/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5333.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1353–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.501: Annual Cash-Out Report Period Ending July 31, 2010 to be effective N/A.
Filed Date: 09/28/2010.
Accession Number: 20100928–5424.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1354–000.
Applicants: Mojave Pipeline Company, LLC.
Description: Mojave Pipeline Company, LLC submits tariff filing per 154.203: RP10–1052 Compliance Filing to be effective 10/29/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5427.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1355–000.
Applicants: CenterPoint Energy—Mississippi River Transmission Corporation.
Description: CenterPoint Energy—Mississippi River Transmission Corporation submits tariff filing per 154.204: Non-Conforming Operational Balancing Agreement with Ozark Gas Transmission, LLC to be effective 11/1/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5445.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1356–000.
Applicants: Kern River Gas Transmission Company.
Description: Kern River Gas Transmission Company submits tariff filing per 154.204: Original Volume 1A to be effective 11/1/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5446.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1357–000.
Applicants: PetroLogistics LLC.
Description: PetroLogistics LLC submits tariff filing per 154.203: PetroLogistics Natural Gas Storage LLC FERC Gas Tariff Volume 1 to be effective 9/28/2010.
Filed Date: 09/28/2010.
Accession Number: 20100928–5450.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1358–000.
Applicants: Dominion Transmission, Inc.
Description: Dominion Transmission, Inc. submits tariff filing per 154.204: DTI—Dominion Hub II incremental rate to be effective 11/1/2010.
Filed Date: 09/29/2010.
Accession Number: 20100929–5065.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1359–000.

Applicants: Dominion Transmission, Inc.

Description: Dominion Transmission, Inc. submits tariff filing per 154.204: DTI—Dominion Hub III incremental rate to be effective 11/1/2010.

Filed Date: 09/29/2010.

Accession Number: 20100929–5066.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Docket Numbers: RP10–1360–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Guardian Pipeline, L.L.C. submits tariff filing per 154.403(d)(2): Transporter's Use Gas Annual Adjustment to be effective 11/1/2010.

Filed Date: 09/29/2010.

Accession Number: 20100929–5068.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 2010.

Any person desiring to intervene or to protest in any of the above proceedings 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 St., NE., Washington, DC 20426.

The filings in the above proceedings 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 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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–25558 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG10–48–000; EG10–51–000; EG10–52–000; EG10–53–000; EG10–54–000; EG10–55–000; EG10–56–000]

Eagle Creek Hydro Power, LLC; Laredo Ridge Wind, LLC; RRI Energy West, Inc.; Goshen Phase II LLC; Solar Partners I, LLC; Solar Partners II, LLC; Solar Partners VIII, LLC; Notice of Effectiveness of Exempt Wholesale Generator Status

October 1, 2010.

Take notice that during the month of September 2010, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25509 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF10–8–000]

Southeastern Power Administration; Notice of Filing

October 1, 2010.

Take notice that on September 16, 2010, the Deputy Secretary of the Department of Energy submitted Rate Order No. SEPA–52, approved on an interim basis, effective on October 1, 2010; Rate Schedule VA–1–B *et al.* and Replacement–2–A for the sale of power from Southeastern Power Administration's Kerr-Philpott System, and under the authority vested in the Federal Energy Regulatory Commission by Delegation Order No. 00–037.00, submitted Rate Schedule VA–1–B *et al.* and Replacement–2–A for confirmation and approval on a final basis, effective October 1, 2010, and ending September 30, 2015.

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 October 20, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25508 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–6409–000]

Williams, Barry Lawson; Notice of Filing

October 4, 2010.

Take notice that on September 24, 2010, Barry Lawson Williams submitted for filing, an application for authority to hold interlocking positions, pursuant to

section 305(b) of the Federal Power Act, Part 45 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR part 45 (2008), and 18 CFR 385.204 (2008).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please 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 October 15, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25514 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF10–7–000]

Western Area Power Administration; Notice of Filing

October 1, 2010.

Take notice that on September 16, 2010, the Deputy Secretary of the Department of Energy, under the authority vested in the Federal Energy Regulatory Commission by Delegation Order No. 00–037.00, submitted Rate Order No. WAPA–150, extension of the Boulder Canyon Project electric service, for confirmation and final approval to be effective October 1, 2010, up to September 30, 2015.

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 October 20, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25507 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 485–063]

Georgia Power Company; Notice of Meeting and Environmental Site Review

October 4, 2010.

On October 14, 2010, Commission staff, together with representatives of Georgia Power Company (the applicant), will hold a meeting and an Environmental Site Review for the Bartletts Ferry Project. The purpose of the one-day meeting and site review is to orient Commission staff who are in new roles in the Bartletts Ferry relicensing proceeding to project facilities and the approved study plans.

The meeting for the Bartletts Ferry Project will begin at 9 a.m. EST (8 a.m. Central) at the Bartletts Ferry Clubhouse, 61 Lee Road 335, Salem, AL 36874. The boat tour of Lake Harding will begin at 12:30 p.m. EST (11:30 a.m. Central). All interested individuals, organizations, agencies, and Indian tribes are invited to attend the meeting and/or boat tour. All participants are responsible for their own transportation to the meeting location and throughout the day (except boat tour), as may be necessary. Anyone with questions about the meeting and boat tour, as well as to make the necessary arrangements to get to the Bartletts Ferry Clubhouse and reserve space for the boat tour, should contact Mr. George Martin of Georgia Power Company at (404) 506–1357, or Ms. Courtenay O'Mara of Southern Company Generation at (404) 506–7219.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25515 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Alabama Power Company; Project No. 349–150—Alabama Martin Dam Hydroelectric Project; Notice of Proposed Restricted Service List for a Programmatic Agreement for Managing Properties Included in or Eligible for Inclusion in the National Register of Historic Places

October 1, 2010.

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.2010, provides that, to eliminate

unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding. The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Alabama State Historic Preservation Officer (hereinafter, SHPO) and the Advisory Council on Historic Preservation (hereinafter, Advisory Council) pursuant to the Advisory Council's regulations, 36 CFR part 800, implementing section 106 of the National Historic Preservation Act, *as amended,* (16 U.S.C. 470f), to prepare a Programmatic Agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Martin Dam Hydroelectric Project.

The Programmatic Agreement, when executed by the Commission, the Alabama SHPO, and the Advisory Council, would satisfy the Commission's section 106 responsibilities for all individual undertakings carried out in accordance with the license until the license expires or is terminated (36 CFR 800.13[e]). The Commission's responsibilities pursuant to section 106 for the project would be fulfilled through the Programmatic Agreement, which the Commission staff proposes to draft in consultation with certain parties listed below.

Alabama Power Company, as licensee for Project No. 349–150, is invited to participate in consultations to develop the Programmatic Agreement and to sign as a concurring party to the Programmatic Agreement. For purposes of commenting on the Programmatic Agreement, we propose to restrict the service list for Project No. 349–150 as follows:

John Fowler, Executive Director Advisory Council on Historic Preservation The Old Post Office Building Suite 803 1100 Pennsylvania Avenue, NW., Washington, DC 20004.

Elizabeth Ann Brown, Deputy SHPO Alabama Historical Commission 468 South Perry Street Montgomery, AL 36130–0900.

Amanda Hill or Representative Alabama Historical Commission 468 South Perry Street Montgomery, AL 36130–0900.

Jim Crew or Representative Alabama Power Company 600 North 18th Street Birmingham, AL 35291.

Dr. James Kardatzke Bureau of Indian Affairs Eastern Regional Office 545 Marriott Drive, Suite 700 Nashville, TN 37214.

Jonathan A. Ashley or Representative U.S. Army Corps of Engineers P.O. Box 2288 Mobile, AL 36628–0001 ATTN: EN–HW.

Robert Thrower, THPO Poarch Band of Creek Indians 5811 Jack Springs Road Atmore, AL 36502.

Terry Cole, THPO Choctaw Nation of Oklahoma 3010 Enterprise Boulevard Durant, OK 74701.

Augustine Asbury Alabama-Quassarte Tribal Town 101 E. Broadway Wetumka, OK 74883.

Bryant Celestine, THPO Alabama-Coushatta Tribe of Texas 571 State Park Road 56 Livingston, TX 77351.

Charles Coleman Thlopthlocco Tribal Town P.O. Box 188 Okemah, OK 74859–0188.

Any person on the official service list for the above-captioned proceedings may request inclusion on the restricted service list, or may request that a restricted service list not be established, by filing a motion to that effect within 15 days of this notice date. An original plus seven copies of any such motion must be filed with the Secretary of the Commission (888 First Street, NE., Washington, DC 20426) and must be served on each person whose name appears on the official service list. If no such motions are filed, the restricted service list will be effective at the end of the 15 day period. Otherwise, a further notice will be issued ruling on the motion.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25510 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

October 1, 2010.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. ER08–386–000	9–8–10	Peter C. Luchsinger.
Exempt:		
1. CP09–35–000	9–14–10	Elizabeth Kendziora.
2. CP10–477–000	9–22–10	Hon. John Barrow.
3. CP10–494–000	9–30–10	Ashley and Stuart Moberley.
4. CP10–494–000	9–30–10	Jackie and Victoria Truelove.
5. Project No. 606–000	9–16–10	Hon. Wally Herger.
6. Project No. 2621–000	9–29–10	Jim Seay.[1]

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–25557 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–507–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

October 4, 2010.

Take notice that on September 23, 2010, ANR Pipeline Company (ANR), 717 Texas Street, Suite 2400, Houston, Texas 77002–2761, filed a prior notice request pursuant to sections 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act (NGA) and ANR's blanket certificate issued in Docket No. CP82–480, for authorization to abandon an inactive section of pipeline. Specifically, ANR seeks to abandon approximately 10.08 miles of 8-inch diameter pipeline (Line 464–0803) between mileposts 19.08 and 9.00, located in Custer County, Oklahoma. ANR will abandon the pipeline in place with the exception of five side taps, approximately 659 feet of pipe over Deer Creek, and the pipe to be disconnected at milepost 9.00 which ANR will abandon by removal, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding the application should be directed to Rene Staeb, ANR Pipeline Company, 717 Texas Street, Suite 2400, Houston, Texas 77002–2761, telephone no. (832) 320–5215, facsimile no. (832) 320–6215 and e-mail: *rene_staeb@transcanada.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-Filing" link.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25512 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–501–000]

Destin Pipeline Company, L.L.C.; Notice of Request Under Blanket Authorization

October 1, 2010.

Take notice that on September 20, 2010, Destin Pipeline Company, L.L.C. (Destin), 550 Westlake Park Boulevard, Houston, Texas, 77079–2696 filed an application pursuant to Section 7(b), Parts 157.205, 157.208 and 157.212, of the Commission's regulations under the Natural Gas Act (NGA) for authorization to construct a new interconnection with Gulf LNG Pipeline, LLC's (Gulf LNG) Destin Meter Station located in Jackson County, Mississippi, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Specifically, Destin plans to construct a new interconnection between its existing 36-inch pipeline and Gulf LNG's Destin Meter Station that will consist of a new 36-inch hot tap and approximately 35 feet of 36-inch natural gas pipeline.

Any questions regarding the application should be directed to Bruce G. Reed, Director, Regulatory Affairs, BP Pipelines (North America), 550 Westlake Park Boulevard, Houston, TX 77079–2696 at (281) 366–5062.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

[1] E-mail exchange with FERC staff.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the "e-Filing" link.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25506 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD11–1–000]

Reliability Monitoring, Enforcement and Compliance Issues; Notice of Technical Conference

October 1, 2010.

The Federal Energy Regulatory Commission (Commission) will hold a Commissioner-led Technical Conference in the above-referenced proceeding to explore issues associated with reliability monitoring, enforcement and compliance, as announced in the Commission's order issued September 16, 2010 that accepted the North American Electric Reliability Corporation's initial assessment in Docket No. RR09–7–000 of its performance as the nation's Electric Reliability Organization (ERO), and performance by the Regional Entities, under their delegation agreements with the ERO.[1]

This Technical Conference will be held on November 18, 2010, in the Commission Meeting Room (2C) at Commission Headquarters, 888 First Street, NE., Washington, DC 20426, from 1 p.m. until 5 p.m. EST. The conference will be transcribed and Webcast. Transcripts of the conference will be immediately available for a fee from Ace-Federal Reporters, Inc. (202–347–3700 or 1–800–336–6646). A free webcast of the conference is also available through *http://www.ferc.gov.* Anyone with Internet access who desires to listen to this event can do so by navigating to *http://www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the webcasts and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or call 703–993–3100.

A further notice with detailed information, including the agenda, will be issued in advance of the conference. All interested parties are invited and there is no registration list or registration fee to attend.

For further information contact Gregory Campbell by e-mail at *Gregory.Campbell@ferc.gov* or by phone at 202–502–6465.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–25505 Filed 10–8–10; 8:45 am]

BILLING CODE 6717–01–P

[1] *North American Electric Reliability Corporation; Reliability Standards Development and NERC and Regional Entity Enforcement,* 132 FERC ¶ 61,217 at P 12 (2010).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2010–0618; FRL–8839–5]

Request for Nominations to the National Advisory Committee for the Development of Acute Exposure Guideline Levels for Hazardous Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates to be considered for appointment to the National Advisory Committee for the Development of Acute Exposure Guideline Levels (AEGLs) for Hazardous Substances (NAC/AEGL Committee).

DATES: Nominations should be submitted by November 12, 2010 in order to ensure fullest consideration. It is anticipated that vacancies will be filled by March 2011.

ADDRESSES: Submit all nominations to: Paul S. Tobin, Designated Federal Officer, Office of the Administrator, U.S. Environmental Protection Agency (MC 7403M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. You may also e-mail nominations to: *tobin.paul@epa.gov.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Paul S. Tobin, Designated Federal Officer; U.S. Environmental Protection Agency; 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; *telephone number:* (202) 564–8557; *e-mail address: tobin.paul@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The NAC/AEGL Committee is a discretionary Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. The NAC/AEGL Committee was established in 1995 with the intent to develop AEGLs for use in chemical emergency programs. An initial priority list of 85 chemicals for AEGL development was published in the **Federal Register** on May 21, 1997 (62 FR 27734) (FRL–5718–9), and since that time has increased to approximately 300 chemical substances, for which AEGL values are developed and submitted to the National Academies (NAS) for peer review and publication. Additional background information and progress of the NAC/AEGL Committee may be found on its Web site at *http://www.epa.ogv/oppt/aeg1*.

Members are appointed by the EPA Administrator for 2–year terms with the possibility of reappointment. The NAC/AEGL Committee generally meets two times annually, or as needed and approved by the Designated Federal Officer (DFO). Meetings will generally be held in Washington, DC. Members may serve as Representative Government Employees (Federal members) or Special Government Employees (non Federal members) and EPA may provide reimbursement for travel expenses associated with official government business.

II. Request for Nominations

EPA is seeking nominations from all sectors, including academia, industry, non-governmental organizations, and State, local and Tribal governments. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

In selecting Committee members, EPA will seek candidates who possess: Extensive professional knowledge of toxicological methodologies and development of human health standards for acute exposure; a demonstrated ability to examine and analyze complicated human health issues with objectivity and integrity; excellent interpersonal as well as oral and written communication skills; and an ability and willingness to participate in a deliberative and collaborative process. In addition, well qualified applicants must be prepared to process a substantial amount of complex and technical information, and have the ability to volunteer approximately 10 to 15 hours per month to the Committee's activities, including participation in

teleconference meetings and preparation of text for Committee reports.

III. Process and Deadline for Submitting Nominations

Any interested person or organization may nominate qualified individuals for possible service on the NAC/AEGL Committee in the area of expertise described above. Interested candidates may self-nominate. All nominations must be identified by name, occupation, organization, position, current business address, email address, and daytime telephone number, and must include: (1) A resume detailing relevant experience and professional and educational qualifications of the nominee; and (2) a brief statement (one page or less) describing the nominee's interest in serving on the Committee. Submit all nominations to Paul S. Tobin, Designated Federal Officer (DFO), Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency (MC: 7403M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. You may also submit the nomination by e-mail to: *tobin.paul@epa.gov.* To receive full consideration, nominations should include all of the information requested. Persons having questions about the nominations procedures should contact Paul S. Tobin (DFO) as indicated above in this notice. Nominations should be submitted in time to arrive no later than November 12, 2010.

Selection criteria to be used for panel membership include:

a. Scientific and/or technical expertise, knowledge and experience (primary factors);

b. Availability and willingness to serve;

c. Absence of financial conflicts of interest;

d. Absence of an appearance of a lack of impartiality;

e. Skills working in advisory committees and panels, and

f. Diversity of and balance among scientific expertise and viewpoints.

EPA will evaluate the absence of financial conflicts of interest through the "Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency" (EPA Form 3110–48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded from the following URL address: *http://www.epo.gov/oppt/aeg1/pubs/ethics.htm.*

List of Subjects

Environmental protection, Hazardous substances, NAC/AEGL Committee.

Dated: October 4, 2010.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2010–25567 Filed 10–8–10; 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 October 14, 2010, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Roland E. Smith, 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: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. 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

- September 8, 2010.

B. New Business

- Policy Statement on Cooperative Operating Philosophy—Serving the Members of the Farm Credit System Institutions.
- Board Resolution on Cooperative Operating Philosophy.
- Joint and Several Liability Reallocation Agreement—Notice of Approval.
- Merger of Farm Credit of North Florida, and Farm Credit of Southwest Florida, ACAs, and their subsidiaries with and into Farm Credit of South Florida, ACA, and its subsidiaries.

C. Reports

- OE Quarterly Report on the Farm Credit System.

Closed Session*

Reports

Report on Institutions' Supervisory, Enforcement, and

- Oversight Activities.

*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

Dated: October 7, 2010.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 2010–25765 Filed 10–7–10; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

October 1, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before December 13, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to the Federal Communications Commission via e-mail to *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Judith B. Herman, OMD, 202–418–0214 or e-mail *Judith-b.herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0800.

Title: FCC Application for Assignment of Authorization or Transfer of Control: Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau.

Form No.: FCC Form 603.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, and State, local or tribal government.

Number of Respondents and Responses: 2,447 respondents; 2,447 responses.

Estimated Time per Response: 1.75 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation To Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. 4(i), 154(i), 303(r), and 309(j).

Total Annual Burden: 2,754 hours.

Total Annual Cost: $305,925.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality. On a case-by-case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: The Commission will submit this revised collection to the Office of Management and Budget (OMB) after this comment period to obtain the full three-year approval from them. The Commission is revising this information collection to make minor changes to language in some of the data elements, adding a question inquiring if filing is the lead application on a Main Form, and changing language in the instructions. The Commission is reporting a 34,092-hour reduction adjustment in burden and a $2,805,369 reduction in annual costs.

FCC Form 603 is a multi-purpose form used to apply for approval of assignment or transfer of control of licenses in the wireless services. The data collected on this form is used by the FCC to determine whether the public interest would be served by approval of the requested assignment or transfer. This form is also used to notify the Commission of consummated assignments and transfers of wireless and/or public safety licenses that have previously been consented to by the Commission or for which notification but not prior consent is required. This form is used by applicants/licensees in the Public Mobile Services, Personal Communications Services, General Wireless Communications Services, Private Land Mobile Radio Services, Broadcast Auxiliary Services, Maritime Service (excluding ships), and Aviation Services (excluding aircraft). The purpose of the form is to obtain information sufficient to identify the parties to the proposed assignment or transfer, establish the parties' basic eligibility and qualifications, classify the filing, and determine the nature of the proposed service. Various technical schedules are required along with the main form applicable to Auctioned Services, Partitioning and Disaggregation, Undefined Geographical Area Partitioning, Notification of Consummation or Request for Extension of Time for Consummation.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2010–25593 Filed 10–8–10; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

October 1, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before December 13, 2010. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Federal Communications Commission (FCC) via e-mail to: *PRA@fcc.gov*.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called "Currently Under Review", (3) click the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Judith B. Herman, OMD, on 202–418–0214 or e-mail *Judith-b.herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0814.

Title: Section 54.301(a)–(f), Local Switching Support and Local Switching Support Data Collection.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 175 respondents; 175 responses.

Estimated Time per Response: .50 hours–24 hours.

Frequency of Response: Annual and on occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201–205, 218–220, 214, 254, 303(r), 403 and 410.

Total Annual Burden: 3,778 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: This collection does not request information of a confidential nature.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the reporting and/or third party disclosure requirements) of this information collection. There is an adjustment increase in burden of 810 hours. This increase is due to an increase in respondents/responses.

Pursuant to section 54.301 of the Commission's rules, each incumbent local exchange carrier that is not a member of the National Exchange Carrier Association (NECA), common line tariff, that has been designated an eligible telecommunications carrier (ETC), and that services a study area with 50,000 or fewer access lines shall, for each study area, provide the Administrator with the projected total un-separated dollar amount assigned to each account in section 54.301(b). Average schedule companies are required to file information pursuant to section 54.301(f). Both types of respondents must provide true-up data. The data are necessary to calculate certain revenue requirements.

OMB Control Number: 3060–1000.

Title: Section 87.147, Authorization of Equipment.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 25 respondents; 25 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion and one time reporting requirements and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 303 and 307(e).

Total Annual Burden: 25 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the reporting and/or third party disclosure requirements) of this information collection. There is no change in the Commission's burden estimates.

Section 87.147 is needed to require applicants for aviation equipment certification to submit a Federal Aviation Administration (FAA) determination of the equipment's compatibility with the National Airspace System (NAS). This will ensure that the radio equipment operating in certain frequencies is compatible with the NAS, which shares system components with the military. The notification must describe the equipment, give the manufacturer's identification, antenna characteristics, rated output power, emission type and characteristics, the frequency or frequencies of operation, and essential receiver characteristics if protection is required.

The information collected is used by FCC engineers to determine the interference potential of the proposed operation.

OMB Control Number: 3060–0470.

Title: Section 64.901, Allocation of Cost and Section 64.903, Cost Allocation Manuals; and RAO Letters 19 and 26.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1 respondent; 2 responses.

Estimated Time per Response: 200 hours.

Frequency of Response: Annual and on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 201–205, 215, and 218–220.

Total Annual Burden: 400 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three year clearance from them. The Commission is requesting an extension (no change in the reporting, recordkeeping and/or third party disclosure requirements) of this information collection. The Commission is reporting a decrease of 2,000 hours in total annual burden. This decrease adjustment is due to an Order, FCC 08–12, which granted numerous carriers forbearance from compliance to the relevant rules. The number of respondents decreased from six to one.

Section 64.901 requires carriers to separate their regulated costs from nonregulated costs using the attributable cost method of cost allocation. Carriers must follow the principles described in 47 CFR 64.901.

Section 64.903(a) requires Local Exchange Carriers (LECs) with annual operating revenues equal to or above the indexed revenue threshold as defined in 47 CFR 32.9000 to file a cost allocation manual (CAM). Section 64.903(b) requires that carriers update their cost allocation manuals at least annually, except that changes to the cost apportionment table and the description of time reporting procedures must be filed at the time of implementation. The FCC uses the manuals to ensure that all costs are properly classified.

Filing of cost allocation manuals and occasional updates are subject to the uniform format and standard procedures specified in Responsible Accounting Officer (RAO) Letter 19. RAO Letter 26 provides guidance to carriers in revising their CAMs to reflect changes to affiliate transactions rules pursuant to the *Accounting Safeguard Order* (FCC 96–490).

The CAM is reviewed by Commission staff to ensure that all costs are properly classified between regulated and non-regulated activity. Uniformity in the CAMs helps improve the joint cost allocation process. In addition, the uniformity gives the Commission greater reliability in financial data submitted by the carriers through the Automated Reporting Management Information System (ARMIS).

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2010–25602 Filed 10–8–10; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, October 7, 2010, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: this meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Draft Advisory Opinion 2010–19: Google by its counsel, Marc E. Elias, Esq. and Jonathan S. Berkon, Esq. of Perkins Coie LLP.

Draft Advisory Opinion 2010–21: ReCellular Inc. by its counsel, Michael B. Trister, Esq. and Allen H. Mattison, Esq. of Lichtman, Trister & Ross, PLLC.

Draft Advisory Opinion 2010–25: RG Entertainment Ltd. by its counsel, Lee E. Goodman, Esq. of LeClairRyan.

Draft Notice of Proposed Rulemaking on Independent Expenditures and Electioneering Communications by Corporations and Labor Organizations.

Management and Administrative Matters.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Lisa Chapman, Recording Secretary, at (202) 694–1040, at least 72 hours prior to the hearing date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2010–25365 Filed 10–8–10; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission ("FTC" or "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 FTC is seeking public comments on its proposal to extend through February 28, 2014, the current OMB clearance for information collection requirements contained in its Used Motor Vehicle Trade Regulation Rule ("Used Car Rule" or "Rule"). That clearance expires on February 28, 2011.

DATES: Comments must be filed by December 13, 2010.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Comments in electronic form should be submitted by using the following weblink: *https://ftcpublic.commentworks.com/ftc/usedcarrulepra* (and following the instructions on the web-based form). Comments filed in paper form should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H–135 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580, in the manner detailed in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to John C. Hallerud, Attorney, Midwest Region, Federal Trade Commission, 55 West Monroe, Suite 1825, Chicago, Illinois 60603, (312) 960–5634.

SUPPLEMENTARY INFORMATION: The Used Car Rule facilitates informed purchasing decisions by requiring used car dealers to disclose information about warranty coverage, if any, and the mechanical condition of used cars that they offer for sale. The Rule requires that used car dealers display a form called a "Buyers Guide" on each used car offered for sale that, among other things, discloses information about warranty coverage.

Request for Comments

Under the Paperwork Reduction Act ("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). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the regulations noted herein.

The FTC invites comments on: (1) Whether the required collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency's estimate of the burden of the required 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.

Comments should refer to "Used Car Rule: FTC File No. P067609" to facilitate the organization of comments. Please note that your comment—including your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC Web site, at *http://www.ftc.gov/os/publiccomments.shtm.*

Because comments will be made public, they should not include any sensitive personal information, such as any individual'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. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include "[t]rade 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 Federal Trade Commission Act ("FTC Act"), 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing matter for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c).[1]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

using the following weblink *https://ftcpublic.commentworks.com/ftc/usedcarrulepra* and following the instructions on the web-based form). To ensure that the Commission considers an electronic comment, you must file it on the web-based form at the weblink *https://ftcpublic.commentworks.com/ftc/usedcarrulepra.* If this Notice appears at *http://www.regulations.gov/search/index.jsp,* you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to 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, whether filed in paper or electronic form. Comments received will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.shtm.*

Burden statement

Estimated total annual hours burden: 1,974,589 hours.

The Rule has no recordkeeping requirements. The estimated burden relating solely to disclosure requirements is 1,974,589 hours. As explained in more detail below, this estimate is based on the number of used car dealers (53,735 [2]), the number of used cars sold by dealers annually (approximately 24,531,374 [3]), and the time needed to fulfill the information collection tasks required by the Rule.[4]

The Rule requires that used car dealers display a one-page, double-sided Buyers Guide on each used car that they offer for sale. The component tasks associated with the Rule's required display of Buyers Guides include: (1) Ordering and stocking Buyers Guides; (2) entering data on Buyers Guides; (3) displaying the Buyers Guides on vehicles; (4) revising Buyers Guides as necessary; and (5) complying with the Rule's requirements for sales conducted in Spanish.

1. Ordering and Stocking Buyers Guides: Dealers should need no more than an average of two hours per year to obtain Buyers Guides, which are readily available from many commercial printers or can be produced by an office word-processing or desk-top publishing system.[5] Based on a population of 53,735 dealers, the annual hours burden for producing or obtaining and stocking Buyers Guides is 107,470 hours.

2. *Entering Data on Buyers Guides:* The amount of time required to enter applicable data on Buyers Guides may vary substantially, depending on whether a dealer has automated the process. For used cars sold "as is," copying vehicle-specific data from dealer inventories to Buyers Guides and checking the "No Warranty" box may take two to three minutes per vehicle if done by hand, and only seconds for those dealers who have automated the process or use pre-printed forms. Staff estimates that this task will require an average of two minutes per Buyers Guide. Similarly, for used cars sold under warranty, the time required to check the "Warranty" box and to add warranty information, such as the additional information required in the Percentage of Labor/Parts and the Systems Covered/Duration sections of the Buyers Guide, will depend on whether the dealer uses a manual or automated process or Buyers Guides that are pre-printed with the dealer's standard warranty terms. Staff estimates that these tasks will take an average of one additional minute; *i.e.,* cumulatively, an average total time of three minutes for each used car sold under warranty.

Staff estimates that approximately fifty percent of used cars sold by dealers are sold "as is," with the other half sold under warranty. Therefore, staff estimates that the overall time required to enter data on Buyers Guides consists of 408,856 hours for used cars sold without a warranty (24,531,374 vehicles $\times$ 50% $\times$ 2 minutes per vehicle) and 613,284 hours for used cars sold under warranty (24,531,374 vehicles $\times$ 50% $\times$ 3 minutes per vehicle) for a cumulative estimated total of 1,022,140 hours.

3. *Displaying Buyers Guides on Vehicles:* Although the time required to display the Buyers Guides on each used car may vary substantially, FTC staff estimates that dealers will spend an average of 1.75 minutes per vehicle to match the correct Buyers Guide to the vehicle and to display it on the vehicle. The estimated burden associated with this task is approximately 715,498 hours for the 24,531,374 vehicles sold in 2009 (24,531,374 vehicles $\times$ 1.75 minutes per vehicle).

4. *Revising Buyers Guides as Necessary:* If negotiations between the buyer and seller over warranty coverage produce a sale on terms other than those originally entered on the Buyers Guide, the dealer must revise the Buyers Guide to reflect the actual terms of sale. According to the original rulemaking record, bargaining over warranty coverage rarely occurs. Staff notes that consumers often do not need to negotiate over warranty coverage because they can find vehicles that are offered with the desired warranty coverage online or in other ways before ever contacting a dealer. Accordingly, staff assumes that the Buyers Guide will be revised in no more than two percent of sales, with an average time of two minutes per revision. Therefore, staff estimates that dealers annually will spend approximately 16,354 hours revising Buyers Guides (24,531,374 vehicles $\times$ 2% $\times$ 2 minutes per vehicle).

5. *Spanish Language Sales:* The Rule requires that contract disclosures be made in Spanish if a sale is conducted in Spanish.[6] The Rule permits displaying both an English and a Spanish language Buyers Guide to comply with this requirement.[7] Many dealers with large numbers of Spanish-speaking customers likely will post both English and Spanish Buyers Guides to avoid potential compliance violations.

Calculations from United States Census Bureau surveys indicate that approximately 6.5 percent of the United States population speaks Spanish at home, without also speaking fluent

[2] CNW Marketing Research, Inc. As of July 2010, CNW lists 15,631 new vehicle franchised outlets with used car operations and 38,104 independent used car outlets, for a total of 53,735 used car dealers.

[3] *Id.* This figure reflects total used car sales by franchised and independent dealers in 2009, the most recent complete annual figures available.

[4] Some dealers opt to contract with outside contractors to perform the various tasks associated with complying with the Rule. Staff assumes that outside contractors would require about the same amount of time and incur similar cost as dealers to perform these tasks. Accordingly, the hour and cost burden totals shown, while referring to "dealers," incorporate the time and cost borne by outside companies in performing the tasks associated with the Rule. In addition, the time estimates that follow repeat those that the FTC published in the 2007 PRA clearance renewal-related **Federal Register** notices (72 FR 46487 (Aug. 20, 2007); 72 FR 71911–71912 (Dec. 19, 2007)) without receiving public comment. Absent prospective specific industry estimates to the contrary, staff will continue to apply these estimates, which staff believes are reasonable.

[5] Buyers Guides are also available online from the FTC's Web site, *www.ftc.gov,* as links to *A Dealer's Guide to the Used Car Rule* at *http://www.ftc.gov/bcp/edu/pubs/business/autos/bus13.shtm.*

[6] 16 CFR 455.5.

[7] *Id.*

English.[8] Staff therefore projects that approximately 6.5 percent of used car sales will be conducted in Spanish. Dealers will incur the additional burden of completing and displaying a second Buyers Guide in 6.5 percent of sales assuming that dealers choose to comply with the Rule by posting both English and Spanish Buyers Guides. The annual burden hours associated with completing and posting Buyers Guides is 1,737,638 hours (1,022,140 hours for entering data on Buyers Guides plus 715,498 hours for displaying Buyers Guides). Therefore, staff estimates that the additional burden caused by the Rule's requirement that dealers display Spanish language Buyers Guides when conducting sales in Spanish is 112,947 hours (1,737,638 hours × 6.5%). The other components of the annual hours burden, i.e., purchasing Buyers Guides and revising them for changes in warranty coverage, remain unchanged.

Estimated annual cost burden: $26,301,525 in labor costs and $4,906,275 in non-labor costs

1. *Labor costs:* Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. Staff has determined that all of the tasks associated with ordering forms, entering data on Buyers Guides, posting Buyers Guides on vehicles, and revising them as needed, including the corresponding tasks associated with Spanish Buyers Guides, are typically done by clerical or low-level administrative personnel. Using a clerical cost rate of $13.32 per hour[9] and an estimated burden of 1,974,589 hours for disclosure requirements, the total labor cost burden would be approximately $26,301,525.

2. *Capital or other non-labor costs:* Although the cost of Buyers Guides can vary considerably, based on industry input staff estimates that the average cost of each Buyers Guide is twenty cents. The estimated cost of Buyers Guides for the 24,531,374 used cars sold by dealers in 2009 is approximately $4,906,275. In making this estimate, staff conservatively assumes that all dealers will purchase preprinted forms instead of producing them internally, although dealers may produce them at minimal expense using current office automation technology. Capital and start-up costs associated with the Rule are minimal.

Christian S. White,

Acting General Counsel.

[FR Doc. 2010–25476 Filed 10–8–10; 8:45 am]

BILLING CODE 6750–01–P

[8] U.S. Census Bureau, Table S1601. Language Spoken at Home. 2008 American Community Survey 1-Year Estimates, available at: *http://factfinder.census.gov/servlet/STTable?_bm=y&-qr_name=ACS_2008_1YR_G00_S1601&-geo_id=01000US&-ds_name=ACS_2008_1YR_G00_&-_lang=en&-redoLog=false&-CONTEXT=st*. The table indicates that 12.2% of the United States population 5 years or older speaks Spanish or Spanish Creole in the home and 46.7% of these in-home Spanish speakers speak English less than "very well."

[9] The hourly rate is based on Bureau of Labor Statistics estimate of the mean hourly wage for office clerks, general, No. 43–9061. Occupational Employment and Wages, May 2009, available at *http://www.bls.gov/oes/current/oes439061.htm#nat.*

OFFICE OF GOVERNMENT ETHICS

Updated OGE Senior Executive Service Performance Review Board

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the updated OGE Senior Executive Service (SES) Performance Review Board.

DATES: *Effective Date:* October 12, 2010.

FOR FURTHER INFORMATION CONTACT: Don W. Fox, General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005–3917; Telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management at 5 CFR part 430, subpart C and § 430.310 thereof in particular, one or more Senior Executive Service performance review boards. As a small executive branch agency, OGE has just one board. In order to ensure an adequate level of staffing and to avoid a constant series of recusals, the designated members of OGE's SES Performance Review Board are being drawn, as in the past, in large measure from the ranks of other agencies. The board shall review and evaluate the initial appraisal of each OGE senior executive's performance by his or her supervisor, along with any recommendations in each instance to the appointing authority relative to the performance of the senior executive. This notice updates the membership of OGE's SES Performance Review Board as it was most recently published at 73 FR 53250–53251 (September 15, 2008).

Approved: October 5, 2010.

Robert I. Cusick,

Director, Office of Government Ethics.

The following officials have been appointed as regular members of the SES Performance Review Board of the Office of Government Ethics:

Don W. Fox [Chair], General Counsel, Office of Government Ethics;

Daniel L. Koffsky, Special Counsel, Office of Legal Counsel, Department of Justice;

David Maggi, Chief, Ethics Law and Program Division, Office of the Assistant General Counsel for Administration, Department of Commerce; and

Robert A. Shapiro, Associate Solicitor for Legal Counsel, Department of Labor.

[FR Doc. 2010–25580 Filed 10–8–10; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0135; Docket 2010–0083; Sequence 23]

Federal Acquisition Regulation; Submission for OMB Review; Prospective Subcontractor Requests for Bonds

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection concerning subcontractor requests for bonds. A notice published in the **Federal Register** at 75 FR 28808 on May 24, 2010 and one comment was received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to

respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before November 12, 2010.

ADDRESSES: Submit comments identified by Information Collection 9000–0135 by any of the following methods:

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

Submit comments via the Federal eRulemaking portal by inputting "Information Collection 9000–0135" under the heading "Enter Keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "Information Collection 9000–0135." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000–0135" on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405. *Attn:* Hada Flowers/IC 9000–0135.

Instructions: Please submit comments only and cite Information Collection 9000–0135, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Procurement Analyst, Acquisition Policy Division, GSA (202) 219–0202 or e-mail *Cecelia.davis@gsa.gov*.

SUPPLEMENTARY INFORMATION:

A. Purpose

Part 28 of the FAR contains guidance related to obtaining financial protection against damages under Government contracts (*e.g.,* use of bonds, bid guarantees, insurance etc.). Part 52 contains the texts of solicitation provisions and contract clauses. These regulations implement a statutory requirement for information to be provided by Federal contractors relating to payment bonds furnished under construction contracts which are subject to the Miller Act (40 U.S.C. 270a–270d). This collection requirement is mandated by Section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Pub. L. 102–190), as amended by Section 2091 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–335). The clause at 52.228–12, Prospective Subcontractor Requests for Bonds, implements Section 806(a)(3) of Public Law 102–190, as amended, which specifies that, upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of a construction contract for which a payment bond has been furnished to the United States pursuant to the Miller Act, the contractor shall promptly provide a copy of such payment bond to the requestor.

In conjunction with performance bonds, payment bonds are used in Government construction contracts to secure fulfillment of the contractor's obligations under the contract and to assure that the contractor makes all payments, as required by law, to persons furnishing labor or material in performance of the contract. This regulation provides prospective subcontractors and suppliers a copy of the payment bond furnished by the contractor to the Government for the performance of a Federal construction contract subject to the Miller Act. It is expected that prospective subcontractors and suppliers will use this information to determine whether to contract with that particular prime contractor. This information has been and will continue to be available from the Government. The requirement for contractors to provide a copy of the payment bond upon request to any prospective subcontractor or supplier under the Federal construction contract is contained in Section 806(a)(3) of Public Law 102–190, as amended by Sections 2091 and 8105 of Public Law 103–355.

One comment was received. The commenter expressed support for extending this information collection. The commenter had some concern because subcontractors are not receiving payment bonds from the prime contractor upon request. The Miller Act allows subcontractors to request a copy of the payment bond from the prime contractor. In addition, FAR 28.106–6(d) requires the contracting officer to provide a copy of the payment bond to subcontractors upon request. The commenter recommended that the Government consider creating an online system for prospective subcontractors and suppliers to view and print copies of the payment bond. At this time, the online system is deemed unnecessary because there are other alternatives currently in place to receive this information. As stated earlier, the FAR currently requires the contracting officer to provide to the subcontractor a copy of the payment bond upon request as stated in FAR 28.106(d). The Government is unaware of problems resulting from this option.

B. Annual Reporting Burden

Respondents: 12,698.
Responses per Respondent: 5.
Total Responses: 63,490.
Hours per Response: .25.
Total Burden Hours: 15,872.50.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–0135, Prospective Subcontractor Requests for Bonds, in all correspondence.

Dated: October 6, 2010.

Edward C. Loeb,

Director, Acquisition Policy Division.

[FR Doc. 2010–25649 Filed 10–8–10; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–New; 30-Day Notice]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690–5683. Send written comments and

recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: An Assessment of the Sustainability and Impact of Community Coalitions Once Federal Funding Has Expired—OMB No. 0990–NEW—Assistant Secretary Planning Evaluation (ASPE).

Abstract: The Office of the Assistant Secretary for Planning and Evaluation (ASPE) is requesting Office of Management and Budget (OMB) approval on a new collection to conduct a survey of community coalitions formerly funded by the Community Access Program (CAP)/Healthy Communities Access Program (HCAP) to learn about their sustainability and impact post-federal funding. ASPE will use the CAP/HCAP experience to examine the long-term sustainability of coalitions that successfully completed for grant funding from the Department of Health and Human Services (DHHS). As part of the study, a one-time, self-administered survey will be administered to the 260 coalitions funded through CAP/HCAP, providing a unique set of data to assess coalition sustainability and the factors that enable and hinder sustainability. The survey will focus on CAP/HCAP coalitions' structure, funding, activities, impact, and outcomes post-funding. The survey design and content is informed by a review of the literature on community coalitions including coalition organization, functions, impact, and sustainability. Results from the survey will also inform the selection of sites for key informant interviews and site visits. Specifically, telephone interviews will occur with a subset of 20 CAP/HCAP coalitions that have been sustained as well as 20 CAP/HCAP coalitions that have not been sustained. The key informant interviews will utilize a structured instrument tailored to the coalitions' experiences. Site visits will be conducted with seven coalitions that were sustained post-funding. Data collection activities will be completed within 18 months of OMB Clearance.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Social and Community Service Managers/survey	260	1	35/60	152
Social and Community Service Managers/key informant interviews	40	1	45/60	30
Total				182

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2010–25585 Filed 10–8–10; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–New; 30-day notice]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Prevention and Wellness-Leveraging National Organizations—OMB No. 0990–New-Office of Public Health and Science (OPHS).

Abstract: The Office of Public Health and Science is requesting an approval by OMB on a new collection. The American Recovery and Reinvestment Act (ARRA) Prevention and Wellness-Leveraging National Organizations is a cooperative agreement program authorized under 42 U.S.C. 300k-1, 300, section 1701 of the Public Health Service Act, as amended. The funding opportunity focuses on two categories of activities:

- Category A: Obesity prevention through improved nutrition and increased physical activity
- Category B: Tobacco prevention and control

The National Organizations who receive funding will be supporting Communities Putting Prevention to Work (CPPW)-funded communities by providing expertise and technical assistance to help implement select MAPPS (Media, Access, Point of Purchase/Promotion, Pricing, and Social Support and Services) strategies through national organizations' systems and networks. The National Organizations will work to sustain community prevention efforts beyond Recovery Act CPPW funding and support the National Prevention Media Initiative through co-branding and augmenting HHS-developed media campaigns in communities.

The outcome measures that will be collected from funded National Organizations include approval/enactment of MAPPS-related policy, systems, and environmental change in physical activity, nutrition, and tobacco in funded communities. Since a critical component of the National Organizations is to support and assist CPPW-funded communities with their expert resources, the National Organizations and the CPPW-funded communities will share ownership of the same outcome measures. Because the National Organizations and their local affiliates have a distinct supporting role in these community-

wide efforts, the output measures track the kinds of added value to be derived from involvement of the National Organizations and its local affiliates in the community-wide efforts which should help drive the outcome measure.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
National Organizations Measures Instrument.	Cooperative Agreement Recipients—National Organizations.	10	4	2	80

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2010–25586 Filed 10–8–10; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–New; 30-day notice]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–5683. Send written comments and recommendations for the proposed information collections within 30 days of this notice directly to the OS OMB Desk Officer; faxed to OMB at 202–395–5806.

Proposed Project: Regional Extension Center (REC) Cooperative Agreement Program OMB No. 0990–NEW–Office of the National Coordinator for Health Information Technology

Abstract: The REC Cooperative Agreement program has been targeted as the Department of Health and Human Services' (HHS) high priority programs and is supportive of HHS Strategic Goal 1: Health Care, objective 1.3: Improve health care quality, safety, cost, and value. Each Regional Center is required to plan and implement the outreach, education and technical assistance necessary to meet the objective of assisting providers in its geographic service area to achieve meaningful use of electronic health records (EHR). Each Center is required to report data on a monthly basis, throughout the 24-month duration of the first project period, including the number of providers registered via signed agreements with the REC, the number of providers who have purchased and are using an ONC-certified HER, with e-prescribing and quality reporting functionalities, and the number of providers who have become meaningful users of EHR, in a certification process determined by the Center for Medicaid and Medicare Services (CMS). The tool provides a data hub and central location for program participants to collect this data. Additionally it allows for the synergy of grantee business processes and technology to increase transparency, portability, and accuracy of ONC-monthly and ARRA-quarterly reporting requirements.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms	Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CRM Tool	Regional Extension Center	60	12	1.5	1080
CRM Tool	Community College Consortia	84	20	1.5	2,520
Total					3600

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Clearance Officer.

[FR Doc. 2010–25587 Filed 10–8–10; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Proposed Collection; Comment Request; National Evaluation of the Clinical and Translational Science Awards (CTSA) Initiative

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Center for Research Resources (NCRR), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: The National Evaluation of the Clinical and

Translational Science Awards (CTSA) Initiative. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* The CTSA Initiative is directed at transforming the way biomedical research is conducted nationwide by reducing the time it takes for basic science or laboratory discoveries to become treatments for patients, and for those treatments in turn to be incorporated and disseminated throughout community practice. The primary purpose of this data collection is to provide information about the process and early outcomes associated with 46 awardees participating in the first four cohorts of CTSA awards, in order to fulfill the congressional expectations for external program evaluation. NIH will use the results to understand the extent to which the CTSA Initiative is bringing about transformational changes in clinical and translational science among academic medical centers and their research partners, increasing the efficiency of the research process, and enhancing the capacity of the field to conduct clinical and translational research. All information collected will be used to provide analytical and policy support to NCRR, assisting NIH in making decisions about current CTSA programming, future funding, and other initiatives to improve clinical and translational science. It may also provide information for NIH's Government Performance and Results Act (GPRA) report. *Frequency of Response:* Biennial. *Affected Public:* Individuals. *Type of Respondents:* Scientific researchers. The annual reporting burden is as follows*: Estimated Number of Respondents:* 3,563; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours Per Response:* 0.13; *Estimated Total Annual Burden Hours Requested:* 451.5. The annualized cost to respondents is estimated at $14,056. There are no capital or start-up costs, and no maintenance or service cost components to report.

Respondent type	Estimated number of respondents	Estimated number of hours per respondent type	Frequency of response	Estimated total annual burden hours requested
Users survey	500	.25	.5	62.5
Nonusers survey	500	.08	.5	20
Trainees/scholars survey	1,213	.33	.5	200
Mentors survey	1,350	.25	.5	169
Total	.....	.....	.....	451.5

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Patricia Newman, Program Analyst, Office of Science Policy, National Center for Research Resources, 6701 Democracy Boulevard, MSC 4874, Bethesda, Maryland 20892–4874, or e-mail your request, including your address to *pnewman@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: October 4, 2010.

Patricia Newman,

Program Analyst, Office of Science Policy, NCRR, National Institutes of Health.

[FR Doc. 2010–25589 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; the Atherosclerosis Risk in Communities Study (ARIC)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: The Atherosclerosis Risk in Communities Study (ARIC). *Type of Information Collection Request:* Revision of a currently approved collection (OMB NO. 0925–0281). *Need and Use of Information Collection:* ARIC will conduct a clinical examination of the cohort over a 24-month period (May 2011 to April 2013). In addition, this project involves biennual follow-up by telephone of participants in the ARIC study, review of their medical records, and interviews with doctors and family to identify disease occurrence. Interviewers will contact doctors and hospitals to ascertain participants' cardiovascular events. Information gathered will be used to further describe the risk factors, occurrence rates, and consequences of cardiovascular disease in middle aged and older men and women. *Frequency of Response:* The participants will be contacted bi-annually for follow-up. A subset of the cohort may choose to volunteer for the clinical examination; these individually will be contacted once in a 3 year period. *Affected Public:* Individuals or households; Businesses or other for profit; Small businesses or organizations. *Type of Respondents:* Individuals or households; doctors and staff of hospitals and nursing homes. The annual reporting burden is as follows: *Estimated Number of Respondents:* 12,673; *Estimated Number of Responses per Respondent:* 2.7; *Average Burden Hours Per Response:* 0.5916; and *Estimated Total Annual Burden Hours Requested:* 20,434. The annualized cost to respondents is estimated at $355,882, assuming

respondents time at the rate of $17.00 per hour and physician time at the rate of $75.00 per hour. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

TABLE A.12.1 ESTIMATES OF HOUR BURDEN

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Participants	10,933	3	0.6165	20220.6.
Physician (or coroner) (for CHD)	420	1	0.1667	70.
Physician (for heart failure)	920	1	0.0833	76.6.
Participants' next of kin	400	1	0.1667	66.7.
Totals	12,673			20433.9 or 20434.

Note: Reported and calculated numbers differ slightly due to rounding.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Hanyu Ni, Project Officer, NIH, NHLBI, 6701 Rockledge Drive, MSC 7934, Bethesda, MD 20892–7934, or call non-toll-free number (301) 435–0448 or E-mail your request, including your address to: *NiHanyu@nhlbi.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: October 6, 2010.

Suzanne Freeman,

NHLBI Project Clearance Liaison, National Institutes of Health.

Michael Lauer,

Director, DCVS, National Institutes of Health.

[FR Doc. 2010–25641 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–F–0510]

Ferm Solutions, Inc.; Filing of Food Additive Petition (Animal Use); Virginiamycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ferm Solutions, Inc. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of virginiamycin as an antimicrobial processing aid in fuel-ethanol fermentations with respect to its consequent presence in by-product distiller grains used as an animal feed or feed ingredient.

DATES: Submit either electronic or written comments on the petitioner's environmental assessment by November 12, 2010.

ADDRESSES: Submit electronic comments to: *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Isabel W. Pocurull, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6853, e-mail: *isabel.pocurull@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5)), notice is given that a food additive petition (FAP 2264) has been filed by Ferm Solutions, Inc., PO Box 203, Danville, KY 40422. The petition proposes to amend the food additive regulations in part 573 *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) to provide for the safe use of virginiamycin as an antimicrobial processing aid in fuel-ethanol fermentations with respect to its consequent presence in by-product distiller grains used as an animal feed or feed ingredient.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Division of Dockets Management (*see* **DATES** and **ADDRESSES**) for public review and comment.

Interested persons may submit to the Division of Dockets Management (*see* **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register.** If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.51(b).

Dated: October 4, 2010.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2010–25522 Filed 10–8–10; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders, Special Emphasis Panel, CDRC Conflicts.

Date: October 26, 2010.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Christine A. Livingston, PhD, Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6120 Executive Blvd.—MSC 7180, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25604 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group, Acquired Immunodeficiency Syndrome Research Review Committee.

Date: November 8, 2010.

Time: 10 a.m. to 5 p.m. To review and evaluate grant applications.

Agenda: National Institutes of Health.

Place: 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Sujata Vijh, PhD, Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–0985, *vijhs@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, HIV Vaccine Research and Design (HIVRAD) Program.

Date: November 9–10, 2010.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Betty Poon, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–402–6891, *poonb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25608 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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: NIDCR Special Grants Review Committee, NIDCR Special Grants Review Committee: Review of F, K, and R03, Applications.

Date: October 21–22, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Palace Hotel, 2 New Montgomery, San Francisco, CA 94105.

Contact Person: Raj K. Krishnaraju, PhD, MS, Scientific Review Officer, Scientific Review Branch, National Inst of Dental & Craniofacial Research, National Institutes of Health, 45 Center Dr. Rm 4AN 32J, Bethesda, MD 20892, 301–594–4864, *kkrishna@nidcr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25611 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel, Partnership for Development of New Therapeutics Classes for select Viral and Bacterial Pathogens.

Date: October 25, 2010.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Room 3144, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Frank S. De Silva, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–1009, *fdesilva@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25616 Filed 10–8–10; 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; Pelvic Floor Disorders Network (PDFN) and PDFN Data Coordinating Centers.

Date: November 5, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Rockville, MD 20814.

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 5B01G, Bethesda, MD 20892, 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: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25619 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Centers for Services Research.

Date: November 1, 2010.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.

Contact Person: Marina Broitman, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6153, MSC 9608, Bethesda, MD 20892–9608, 301–402–8152, *mbroitma@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, HIV/AIDS Behavioral Treatment Intervention and Services Development.

Date: November 2, 2010.

Time: 9:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Enid Light, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6132, MSC 9608, Bethesda, MD 20852, 301–443–3599, *elight@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25637 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors for Basic Sciences National Cancer Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors for Basic Sciences National Cancer Institute.

Date: November 15–16, 2010.

Time: November 15, 2010, 6 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Double Tree Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Time: November 16, 2010, 9 a.m. to 4 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, National Cancer Institute, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, MD 20892.

Contact Person: Florence E. Farber, PhD, Executive Secretary, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 2205, Bethesda, MD 20892, 301–496–7628, *ff6p@nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/bsc/bs/bs.htm*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25636 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel, Review of Minority Biomedical Research Chemistry Grant Applications.

Date: November 4, 2010.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency, 7400 Wisconsin Avenue, 1 Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: John J. Laffan, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18J, Bethesda, MD 20892, 301–594–2773, *laffanjo@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25635 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following 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 Inherited Disease Research Access Committee.

Date: November 12, 2010.

Time: 11:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Camilla E. Day, PhD, Scientific Review Officer, CIDR, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Suite 4075, Bethesda, MD 20892, 301–402–8837, *camilla.day@nih.gov.*

Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25634 Filed 10–8–10; 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; Developmental Biology Training Grants.

Date: October 26, 2010.

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: 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 5B01G, Bethesda, MD 20892, 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: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25633 Filed 10–8–10; 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: Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel; Review of P01 Application: Molecular Basis of Pediatric Formulation Design.

Date: November 3, 2010.

Time: 1 p.m. to 3 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: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25632 Filed 10–8–10; 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; Natural History.

Date: November 2, 2010.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: Norman Chang, PhD, Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–496–1485, *changn@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: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25630 Filed 10–8–10; 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, Tetralogy of Fallot.

Date: November 3, 2010.

Time: 2 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: 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 5B01G, Bethesda, MD 20892, 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: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25629 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting of the Medical Genetics Working Group.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Medical Genetics Working Group.

Date: November 10, 2010.

Time: 1 p.m. to 5 p.m.

Agenda: Programmatic and policy needs and opportunities related to NCBI information resources in the medical genetics area.

Place: National Library of Medicine, Building 38, 2nd Floor, Board Room, 8600 Rockville Pike, Bethesda, MD 20892.

Contact Person: David J. Lipman, MD, Director, National Center for Biotechnology Information, National Library of Medicine, Department of Health and Human Services, Building 38A, Room 8N805, Bethesda, MD 20892, 301–435–5985, *dlipman@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: October 5, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25626 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of a Subcommittee 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 a Subcommittee of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Monday, October 18th from 10 a.m. to 6 p.m., and Tuesday, October from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Westin Washington DC City Center, 1400 M Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Nancy Wilson, MD MPH, Coordinator of the Advisory Council Subcommittee, at the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland, 20850, (301) 427–1310. 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 October 11 2010. The agenda, roster, and minutes will be available from Dr. Nancy Wilson.

SUPPLEMENTARY INFORMATION:

I. Purpose of the Sub-Committee

The purpose of the Sub-Committee is to advise AHRQ and the Centers for Medicare Medicaid Services (CMS) about measures that could be used to monitor the quality of care for Medicaid eligible adults.

Section 2701 of the Affordable Care Act (ACA) requires the Secretary of Health and Human Services to identify and publish a recommended core set of adult health quality measures for Medicaid eligible adults. ACA also requires the Secretary, in consultation with States, to develop a standardized format for reporting information and to develop procedures that encourage voluntary reporting based on the initial core set of measures. The Secretary is also required to establish a Medicaid Quality Measurement Program that will fund the development, testing, and validation of emerging and innovative evidence-based measures and to subsequently publish recommended changes to the initial core measure set. Not later than September 30, 2014 and annually thereafter the Secretary is required to collect, analyze, and make publically available the information reported by the States.

AHRQ is working collaboratively with CMS to identify and publish for public comment an initial preliminary core set of measures by January 1, 2011. The initial core set of measures must then be finalized by January 1, 2012.

The purpose of the National Advisory Council Sub-Committee is to: (a) Evaluate measures on importance, validity, and feasibility for use by Medicaid programs (b) apply criteria to identify compilations of measures that could be selected for the initial core measurement set. The Sub-Committee membership will reflect expertise in healthcare quality measurement, healthcare disparities, and in the populations eligible for Medicaid. Elizabeth McGlynn, PhD, Associate Director for RAND Health, and Foster Gesten, M.D., Medical Director of Office of Insurance Programs for New York, have agreed to co-chair the Sub-Committee.

II. Purpose of the National Advisory Council

The National Advisory Council for Healthcare Research and Quality was established in accordance with Section 921 (now 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.

Role of the National Advisory Council

The National Advisory Council for Healthcare Research arid Quality was established in accordance with Section 921 (now 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.

III. Agenda

The final agenda will be available on the AHRQ Web site at *www.AHRQ.gov* no later than October 12, 2010.

This notice is published less than 15 days in advance of the meeting date due to logistical difficulties.

Dated: September 30, 2010.

Carolyn M. Clancy,

Director.

[FR Doc. 2010–25224 Filed 10–8–10; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, November 19, 2010, 8 a.m. to November 19, 2010, 6 p.m., Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC, 20015 which was published in the **Federal Register** on September 30, 2010, 75 FR 60465–60466.

The meeting will be held at the Embassy Suites Washington DC, 1250 22nd Street, NW., Washington, DC 20030. The meeting date and time remain the same. The meeting is closed to the public.

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25601 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, October 27, 2010, 2:30 p.m. to October 27, 2010, 5:30 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on September 30, 2010, 75 FR 60465–60466.

The meeting has been changed to an Internet Assisted Meeting (IAM). The meeting will be two days October 27, 2010, from 8 a.m. to October 28, 2010, 6 p.m. The meeting is closed to the public.

Dated: October 4, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25598 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Nucleic Acid Biology.

Date: October 26, 2010.

Time: 8 a.m. 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: Barbara Whitmarsh, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, (301) 357–5556, *whitmarshb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: NeuroAIDS and Other End-Organ Diseases.

Date: October 28, 2010.

Time: 3:15 p.m. to 5 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: Eduardo A. Montalvo, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Social Sciences and Population Studies.

Date: November 1, 2010.

Time: 11:30 a.m. to 1:30 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: Valerie Durrant, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 408–9882, *durrantv@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Biobehavioral Mechanisms of Emotion, Stress and Health.

Date: November 3, 2010.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Melissa Gerald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 408–9107, *geraldmel@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR10–074: Program Project: Methods in Crystallization.

Date: November 4–5, 2010.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David R. Jollie, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7806, Bethesda, MD 20892, (301) 435–1722, *jollieda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR08–259: Program Project: Fluorescence Spectroscopy Resource.

Date: November 8–10, 2010.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Atrium Hotel, 18700 MacArthur Boulevard, Irvine, CA 92612.

Contact Person: Arnold Revzin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, (301) 435–1153, *revzina@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–08–222: International Brain Disorders.

Date: November 18, 2010.

Time: 8:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: US Grant Hotel, 326 Broadway, San Diego, CA 92101.

Contact Person: Dan D. Gerendasy, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218,

MSC 7843, Bethesda, MD 20892, 301–408–9164, *gerendad@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25597 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Psychosocial Development, Risk and Prevention.

Date: November 1, 2010.

Time: 10 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Claire E. Gutkin, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Hematological Mechanisms.

Date: November 1, 2010.

Time: 1 p.m. to 3 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: Joyce C Gibson, DSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, 301–435–4522, *gibsonj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Behavioral Medicine, Interventions and Outcomes.

Date: November 2, 2010.

Time: 12 p.m. to 2:30 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: Claire E. Gutkin, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Risk Prevention and Health Behavior.

Date: November 5, 2010.

Time: 3 p.m. to 5 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: Claire E. Gutkin, PhD, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7759, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Pilot and Feasibility Clinical Studies in Digestive Diseases and Nutrition.

Date: November 16, 2010.

Time: 12 p.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: Patricia Greenwel, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, MSC 7818, Bethesda, MD 20892, 301–435–1169, *greenwep@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–08–222: International Brain Disorders.

Date: November 19, 2010.

Time: 8:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: US Grant Hotel, 326 Broadway, San Diego, CA 92101.

Contact Person: Inese Z Beitins, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7808, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 4, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25595 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors for Clinical Sciences and Epidemiology National Cancer Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors for Clinical Sciences and Epidemiology, National Cancer Institute.

Date: November 15, 2010.

Time: 9 a.m. to 3 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, National Cancer Institute,9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Time: 6 p.m. to 10 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Double Tree Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Brian E. Wojcik, PhD, Senior Review Administrator, Institute Review Office, Office of the Director, National Cancer Institute, 6116 Executive Boulevard, Room 2201, Bethesda, MD 20892, (301) 496–7628, *wojcikb@mail.nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles, will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page:

deainfo.nci.nih.gov/advisory/bsc.htm, where an agenda and any additional information for the meeting will be posted when available. (Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25640 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, November 3, 2010, 2 p.m. to November 3, 2010, 5 p.m., National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892 which was published in the **Federal Register** on August 30, 2010, 75 FR DOC. 2010–21663.

Date and time was changed from 11/3/2010; 2 p.m. to 5 p.m. to reflect 11/10/2010; 10 a.m. to 1 p.m. The meeting is closed to the public.

Dated: October 5, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25639 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel; Partnership for Development of New Therapeutics Classes for Select Viral and Bacterial Pathogens.

Date: October 26, 2010.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Room 3144, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Frank S. De Silva, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–594–1009, *fdesilva@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25617 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, Secondary Data Analysis R03s: Special Emphasis Panel.

Date: October 27, 2010.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jayalakshmi Raman, PhD, Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, One Democracy Plaza, Room 670, Bethesda, MD 20892–4878, 301–594–2904, *ramanj@mail.nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, Special Emphasis Panel: Secondary Data Analysis R03s.

Date: October 29, 2010.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jayalakshmi Raman, PhD, Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, One Democracy Plaza, Room 670, Bethesda, MD 20892–4878, 301–594–2904, *ramanj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: October 5, 2010.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–25614 Filed 10–8–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 75 FR 59277–59278, dated September 25, 2010) is amended to reflect the reorganization of the National Center for Environmental Health, Office of Noncommunicable Diseases, Injury and Environmental Health, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows: After the title and functional statement for the Office of the Director (CUG1), National Center for

Environmental Health (CUG), insert the following:

Office of Communication (CUG12). The Office of Communication (OC): (1) Serves as the principal advisor to the center director and divisions on communication and marketing science, research, practice, and public affairs; (2) leads center strategic planning for communication and marketing science and public affairs programs and projects; (3) analyzes context, situation, and environment to inform center-wide communication and marketing programs and projects; (4) ensures use of scientifically sound research for marketing and communication programs and projects; (5) ensures accurate, accessible, timely, and effective translation of science for use by multiple audiences; (6) leads identification and implementation of information dissemination channels; (7) provides communication and marketing project management expertise; (8) collaborates with external organizations and the news, public service, and entertainment and other media to ensure that scientific findings and their implications for public health reach the intended audiences; (9) collaborates closely with divisions to produce materials tailored to meet the requirements of news and other media channels, including press releases, letters to the editor, public service announcements, television programming, video news releases, and other electronic and printed materials; (10) coordinates the development and maintenance of accessible public information through the Internet, social media and other applicable channels; (11) provides training and technical assistance in the areas of health communication, risk communication, social marketing, and public affairs; (12) manages or coordinates communication services such as broadcast, graphics, photography, writing, and editing; (13) provides editorial services, including writing, editing, and technical editing; (14) facilitates internal communication to center staff and allied audiences; (15) supervises and manages OC activities, programs, and staff; (16) serves as liaison to internal and external groups to advance the center's mission; (17) collaborates with the CDC Office of the Associate Director for Communication on media relations, electronic communication, health media production, and brand management activities; (18) collaborates with the Office of Public Health Preparedness and Response and other NCEH/ATSDR entities to fulfill communication responsibilities in emergency response situations; (19) collaborates with other CDC Centers/Institute/Offices in the development of marketing communications targeted to populations that would benefit from a cross-functional approach; and (20) ensures NCEH/ATSDR materials meet CDC and Department of Health and Human Services standards.

Dated: September 27, 2010.

William P. Nichols,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–25223 Filed 10–8–10; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 75 FR 59277–59278, dated September 25, 2010) is amended to reflect the reorganization of the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Office of Infectious Diseases, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the function statements for the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (CJV) and the Office of the Director (CJV1) and insert the following:

National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (CJV). The National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP) maximizes public health and safety nationally and internationally through the elimination, prevention, and control of disease, disability, and death caused by Human Immunodeficiency Virus Infection/Acquired Immunodeficiency Syndrome (HIV/AIDS), non-HIV retroviruses, viral hepatitis, other sexually transmitted diseases (STDs), and tuberculosis (TB). In carrying out its mission, NCHHSTP: (1) Builds capacity and enhances public health infrastructure for preventing and treating HIV/AIDS, viral hepatitis, STDs, and TB; (2) coordinates activities and programs across CDC and with other Department of Health and Human Services Operational Divisions in order to maximize the public health impact of HIV/AIDS, viral hepatitis, STDs, and TB interventions; (3) conducts surveillance and research to determine the distribution, determinants, and burden of HIV/AIDS, viral hepatitis, STDs, and TB; (4) conducts program evaluation to improve programs and activities relating to the prevention of HIV/AIDS, viral hepatitis, STDs, and TB, and determine their impact; (5) provides reference laboratory and clinical diagnostic services for HIV/AIDS, viral hepatitis, STDs, and TB to relevant stakeholders; (6) promotes collaboration and service integration among HIV/AIDS, viral hepatitis, STDs, and TB programs; (7) engages external partners to develop and implement effective HIV/AIDS, viral hepatitis, STDs, and TB policies, research, and programs; (8) engages partners, to promote health equity and reduce health disparities among those affected by HIV/AIDS, viral hepatitis, STDs, and TB; (9) provides technical assistance and training in the diagnosis, treatment, and prevention of HIV/AIDS, viral hepatitis, STDs, and TB; (10) conducts public health communication activities to disseminate research findings and increase awareness of HIV/AIDS, viral hepatitis, STDs, and TB; (11) conducts operational, behavioral, and biomedical research to improve the distribution, diagnosis, prevention, and control of HIV/AIDS, viral hepatitis, STDs, and TB; (12) provides scientific leadership regarding public health ethics and protection of human subjects linked to HIV/AIDS, viral hepatitis, STDs, and TB; (13) translates research findings into public health practice and policy for HIV/AIDS, viral hepatitis, STDs, and TB prevention; (14) plans, coordinates, and guides programs and activities with external partners, federal agencies, and other organizations related to HIV/AIDS, viral hepatitis, STDs, and TB prevention, care, and treatment; (15) leads and participates in the development, implementation, and evaluation of policies and guidelines related to HIV/AIDS, viral hepatitis, STDs, and TB; (16) provides scientific leadership regarding screening, treatment, immunization, and other prevention interventions relevant to HIV/AIDS, viral hepatitis, STDs, and TB; (17) assures all public health decisions are based on the highest quality scientific data, openly and objectively derived; (18) provides leadership to assist international partners in establishing and maintaining, HIV/AIDS, viral hepatitis, STDs, and TB screening, treatment,

immunization, and other prevention and control programs; (19) ensures that programmatic and scientific activities are aligned with, and in support of, CDC's overall mission, goals, and strategic imperatives; (20) allocates and tracks CDC resources and contributes to the development of CDC's short-, medium- and long-term strategic plans for preventing the spread of HIV/AIDS, viral hepatitis, STDs, and TB; (21) collaborates with other federal agencies, domestic and international governmental and non-governmental organizations to advance CDC and NCHHSTP health protection goals; and (22) coordinates oversight of the NCHHSTP Federal Advisory Committees.

Office of the Director (CVJ1). (1) Provides leadership and guidance on the development of goals and objectives, policies, program planning and development, and program management and operations of the activities of NCHHSTP and manages, directs, coordinates, and evaluates the center's activities; (2) plans and coordinates the annual program planning process; (3) coordinates with Office of the Director (OD), Centers/Institute/Offices (CIOs), and divisions in determining and interpreting operating policy and in ensuring their respective management input for specific program activity plans; (4) facilitates CIOser linkages between HIV, non-HIV retroviruses, STDs, viral hepatitis, and TB, surveillance activities and prevention programs at all levels, and facilitates collaboration, integration, and multi-disciplinary approaches to enhance the effectiveness of HIV, STD, viral hepatitis, and TB prevention programs; (5) facilitates collaboration among, and integration of, science and prevention programs throughout NCHHSTP and enhances the coordination and integration of HIV, STD, viral hepatitis, and TB prevention services for individuals and populations at increased risk for more than one of these infections; (6) coordinates the integration of CDC funding of state and local health departments for HIV, STD, viral hepatitis, and TB prevention; (7) maximizes center-wide collaboration to promote and support Program Collaboration and Service Integration (PCSI) in state and local HIV/AIDS, viral hepatitis, STD and TB programs to increase efficiencies and provide comprehensive evidence based prevention services to impacted populations; (8) develops partnership objectives and strategies for advancing center priorities (*e.g.,* on cross-cutting functions PCSI, reducing health disparities, etc.) and leverages OD resources to address these objectives and strategies; (9) coordinates and tracks health equity science and program activities within the center; (10) coordinates and tracks science and program activities that concern or address social determinants of health within NCHHSTP and other programs; (11) collaborates with the CDC OD and other CDC components on health equity activities, and works with the CDC OD to monitor progress in meeting Executive Orders related to improving minority health; (12) develops partnerships with other federal agencies and nongovernmental organizations working on similarly-affected populations; (13) supports research, surveillance, education, training, and program development to achieve health equity and reduce health disparities; (14) sponsors workgroups, meetings, and conferences related to health equity; (15) promotes a diverse public health workforce through internships, fellowships, training programs, and other activities; (16) ensures process consistency for laboratory related functions within NCHHSTP and across the CIOs; (17) facilitates cross-center decision-making regarding laboratory activities; (18) monitors the performance of funded extramural research projects in the areas of HIV/AIDS, viral hepatitis, STD and TB; (19) collaborates with other federal agencies to advance prevention through healthcare; (20) coordinates and supports cross-cutting strategic initiatives in support of NCHHSTP divisions and partners; and (21) works across the agency to advance prevention priorities.

After the functional statement for the Office of the Director (CVJ1), insert the following:

Office of the Associate Director for Science (CVJ12). (1) Ensures process consistency for science across the CIOs; (2) facilitates cross-center decision-making regarding science; (3) facilitates communication regarding scientific and programmatic services across the Office of Infectious Diseases (OID); (4) conducts necessary regulatory and ethical reviews for activities involving human participants, including determining whether an activity includes research, includes human subjects, is exempt or requires Institutional Review Board approval, and whether an exception is needed to the Public Health Service HIV policy; (5) reviews funded activities for application of human research regulations; (6) reviews, approves, and tracks research protocols, clinical investigations, and the Food and Drug Administration regulated response activities intended for submission to CDC Human Research Protections Office; and (7) coordinates and tracks Office of Management and Budget clearance under the Paperwork Reduction Act.

Informatics Office (CVJ13). (1) Manages all information technology (IT) project costs, schedules, performances, and risks; (2) provides expertise in leading application development techniques in information science and technology to effect the best use of resources; (3) performs technical evaluation and integrated baseline reviews of all information systems' products and services prior to procurement to ensure software purchases align with NCHHSTP strategy; (4) provides access to quality data in support of programmatic data analysis; (5) coordinates all enterprise-wide IT security policies and procedures with key agency offices; (6) ensures operations are in accordance with CDC Capital Planning and Investment Control guidelines; (7) ensures adherence to CDC enterprise architecture guidelines and standards; (8) consults with users to determine IT needs and to develop strategic and action plans; and (9) participates in the evolution, identification, development, or adoption of appropriate informatics standards.

Extramural Research Program Office (CVTJJ14). (1) Serves as the focal point for the OID for implementing policies and guidelines for the conduct of the peer review of infectious disease extramural research grant proposals and subsequent grant administration; (2) coordinates and conducts in-depth external peer review and secondary program relevance review of extramural research applications by use of consultant expert panels; (3) makes recommendations to the appropriate infectious disease center director on award selections and staff members serve as the program officials in conjunction with CDC grants management and policy officials to implement and monitor the scientific, technical, and administrative aspects of awards; (4) facilitates scientific collaborations between external and internal investigators; (5) disseminates and evaluates extramural research progress, findings, and impact; and (6) coordinates and executes objective review, including the special emphasis panel (SEP) process for funding of CDC infectious disease non-research grants and cooperative agreements.

Office of Management and Program Support (CVJ15). (1) Helps implement and enforce management and operations policies and guidelines developed by

federal agencies, DHHS, and Staff Service Offices (SSO); (2) plans, develops, implements, and provides oversight and quality control for center-wide policies, procedures, and practices for administrative management and acquisition and assistance mechanisms, including contracts, memoranda of agreement, and cooperative agreements; (3) provides management and coordination of NCHHSTP-occupied space and facilities; (4) supplies technical guidance and expertise regarding occupancy and facilities management to emergency situations; (5) provides oversight and management of the distribution, accountability, and maintenance of CDC property and equipment; (6) provides oversight, quality control, and management of NCHHSTP records; (7) serves as lead and primary contact and liaison with relevant SSO on all matters pertaining to the center's procurement needs, policies, and activities; (8) develops, reviews, and implements policies, methods and procedures for NCHHSTP non-research extramural assistance programs; (9) interprets general policy directives, proposed legislation, and appropriation language for implications on management and execution of center's programs; (10) provides consultation and technical assistance to NCHHSTP program officials in the planning, implementation, and administration of assistance programs; (11) develops and implements objective review processes, including use of SEP process for competitive application cycles; (12) oversees the formulation of the NCHHSTP budget and responds to inquiries related to the budget; (13) provides technical information services to facilitate dissemination of relevant public health information and facilitates collaboration with national health activities, CDC components, other agencies and organizations, and foreign governments on international health activities; (14) provides oversight for the programmatic coordination of HIV, STD, viral hepatitis, and TB activities between NCHHSTP and other CIOs; develops recommendations to the CDC Director as the lead CIO for these programs for the distribution of HIV, STD, viral hepatitis, and TB funds CDC-wide; (15) provides guidance and coordination to divisions on cross-divisional negotiated agreements; (16) facilitates state and local cross-divisional issues identification and solutions; (17) in coordination with the Office of Program Planning and Policy Coordination, responds to Congress as needed; (18) serves as NCHHSTP liaison to relevant SSOs for all matters related to financial management; (19) serves as focal point for emergency operations and deployment; (20) manages and coordinates workforce development and succession planning activities within NCHHSTP in collaboration with internal and external partners, and coordinates the recruitment, assignment, technical supervision, and career development of staff with emphasis on developing and supporting diversity initiatives and equal opportunity goals; (21) facilitates the assignment of field staff in accordance with CDC and NCHHSTP priorities and objectives and reassesses the role of NCHHSTP field staff assignees to state and local health jurisdictions; and (22) provides center-wide training to supervisors, managers and team leaders.

Office of Program Planning and Policy Coordination (CVJ16). (1) Identifies program priorities through strategic planning and other processes as appropriate; (2) oversees the development of the center's performance plan and performance reports to ensure accountability and improve programs and activities; (3) coordinates with the center director and management officer the formulation of the NCHHSTP budget; (4) liaises with the CDC SSOs on Congressional, legislative, and other inquiries; (5) maintains liaison with Congress on matters including appropriations, legislative bill tracking, and legislative requests, testimony for hearings, congressional inquiries, etc.; (6) develops policy- and program-related materials, and talking points; (7) oversees the preparation and routing of controlled correspondence; (8) maintains liaison with key CDC offices and individuals working on public health policies and legislative issues; (9) serves as liaison to governmental and nongovernmental partners on policy-related issues; (10) oversees priority issues management and proactive and reactive strategic media efforts; (11) conducts environmental analysis in response to short-term issues to be shared with leadership and program managers; (12) works with the Health Communication Science Office to coordinate communication strategy and manage short-term issues; (13) formulates strategic media objectives for advancing program priorities and addressing identified long-range issues; and oversees the implementation of strategic media plans through several functional areas; (14) develops and implements all proactive media outreach and reactive media responses for the center; (15) provides media training and technical assistance, as appropriate; and (16) serves as liaison to key offices for obtaining CDC and HHS media clearance on products/activities.

Health Communication Science Office (CVJ17). (1) Serves as the principal advisor to NCHHSTP on communication and marketing science, research and practice; (2) provides oversight to ensure the quality and science of health communication and marketing campaigns and products created by NCHHSTP and its divisions; (3) serves as NCHHSTP clearance office for health communication campaigns and products; develops and manages clearance systems; (4) provides strategic planning and coordination for NCHHSTP communication and marketing programs in collaboration with OD and division-level staff; (5) collaborates with NCHHSTP policy and media relations staff to ensure consistent and timely translation of center-specific health information; (6) executes communication activities to support strategic goals and objectives of the NCHHSTP OD and activities to support division-level programs; (7) coordinates and provides center input on communication activities; (8) coordinates CDC and NCHHSTP brand management; (9) provides oversight and consultation on partnership development and partner/stakeholder communication; (10) develops and manages partner relationships in collaboration with NCHHSTP divisions and CDC CIOs; (11) coordinates partnership strategies across NCHHSTP divisions; (12) manages communication infrastructure for NCHHSTP partnerships; (13) oversees management, policy guidance, and governance of NCHHSTP digital channels and Web sites per HHS and CDC policy for the use of communication technologies; (14) provides coordination and conducts activities to support NCHHSTP's presence on networked media, such as social and mobile media; and (15) collects/analyzes user data/metrics from communication channels and technologies to assess system performance, usability, accessibility, and usefulness.

Delete items (15) and (16) of the functional statement for the Office of the Director (CVJB 1), Division of HIV/AIDS, Prevention-Intervention Support (CVJB), and insert the following: (15) Collaborates with other branches, divisions, and CIOs to synthesize HIV prevention research findings and translate them into prevention practice; and (16) collaborates, as appropriate, with other divisions and offices of NCHHSTP, and with other CIOs throughout CDC in carrying out these activities.

Delete item (1) of the functional statement for the Prevention Program Branch (CVJBC), and insert the following: (1) In collaboration with state and local public health and non-governmental national/regional and local partners, CIOs, and other federal agencies, develops and implements programs, policies, and activities that enable and mobilize affiliates and communities to become involved with, and support, local and statewide strategic community planning that improves HIV prevention programs and activities.

Delete in its entirety the title and function statement for the Program Evaluation Research Branch (CVJBD), and insert the following:

Program Evaluation Branch (CVJBD). (1) Evaluates the effectiveness and impact of HIV prevention interventions, strategies, policies, and programs as practiced or implemented by CDC-funded public health agencies and organizations at the national/regional and state/local levels; (2) collaborates within DHAP, with HIV prevention program grantees, and with other national partners to systematically collect, process, and use HIV prevention program data for program planning and improvement; (3) collaborates in the conduct of evaluation research activities and economic evaluations of HIV prevention activities; (4) seeks to advance the methodology of HIV prevention evaluation through CDC evaluation activities and with the field of program evaluation more broadly; and (5) collaborates with other branches as they develop, test, and disseminate models for quality assurance of programs and services.

Delete in its entirety the title and function statement for the Technical Information and Communications Branch (CVJBG), and insert the following:

Prevention Communications Branch (CVJBG). (1) Implements science and evidence based HIV/AIDS communication programs and approaches that target opinion leaders, stakeholders, persons at risk for and living with HIV/AIDS and the general public; (2) systematically translates and disseminates science based messages through multiple communication channels; (3) effectively implements agenda setting and mobilization efforts; and (4) implements efficient internal communication approaches targeting DHAP staff.

Delete items (3) and (10) of the functional statement for the Office of the Director (CVJC 1), Division of HIV/AIDS, Prevention-Surveillance and Epidemiology (CVJC) and insert the following: (3) Provides leadership in developing research in epidemiology, surveillance, and other scientific aspects of HIV/AIDS prevention, and in coordinating activities between the division and other NCHHSTP divisions, CIOs, and national-level prevention partners who influence HIV/AIDS prevention programs involved in HIV/AIDS investigations and research; and (10) collaborates, as appropriate, with other divisions and offices of NCHHSTP, and with other CIOs throughout CDC.

After item (10) of the functional statement for the Office of the Director (CVJD1), Division of Sexually Transmitted Disease Prevention (CVJD), add the following: and (11) manages the Tuskegee Participants Health Benefits Program.

After the functional statement for the Statistics and Data Management Branch (CVJDH), add the following:

Field Services Branch (CVJDJ). (1) In collaboration with the Program and Training Branch assigns Public Health Advisors to state and local health departments; (2) provides state and local health departments technical assistance with the development and implementation of strategies for addressing the STD burden; (3) provides state and local health departments assistance with developing, implementing and evaluating core public health activities to reduce the incidence, strengthen public, private clinical and community-based partnerships; and (4) promotes and enhances capacity-building within state and local health departments through consultation, demonstration and technical expertise.

Delete in their entirety the functional statements for the Division of Tuberculosis and Elimination (CVJE), and Office of Director (CVJE1), and insert the following:

Division of Tuberculosis Elimination (CVJE). The Division of Tuberculosis Elimination (DTBE) promotes health and quality of life by preventing, controlling, and eventually eliminating TB from the United States (U.S.), and by collaborating with other countries and international partners in controlling TB worldwide. In carrying out its mission, the division conducts the following activities under each focus area: (1) Administers and promotes a national program for the prevention, control, and elimination of TB; (2) supports a nationwide framework for surveillance of TB and evaluation of national TB prevention and control program performance; (3) provides programmatic consultation, technical assistance, and outbreak response assistance to international, state, and local TB programs; (4) co-chairs and coordinates administrative support for the Federal TB Task Force, and supports and collaborates with the National Tuberculosis Controllers Association and the Tuberculosis Education and Training Network to promote effective national communications and coordinated feedback on urgent policy and program performance issues; (5) supports development of TB patient education materials and interventions, capacity development, and access to medical consultation; (6) provides national and supranational reference laboratory function for identification, drug susceptibility testing of Mycobacterium tuberculosis; (7) fosters patient-centered measures, including directly-observed therapy, to promote adherence with long-term treatment for improvements in well-being and interruption in community transmission of M tuberculosis; (8) promotes targeted testing of idemiologically-defined at-risk populations and treatment of persons with latent TB; (9) conducts epidemiologic, laboratory, behavioral, health systems, and clinical research; (10) supports patient and provider research to identify barriers and facilitators to TB services; (11) supports multicenter consortia for epidemiologic, laboratory, diagnostics, clinical, and vaccine development research; (12) develops and applies mathematical TB transmission models to forecast future incidence and prevalence trends; (13) provides leadership and formulates national and global policies and guidelines; (14) provides technical supervision and training to federal assignees working in international, state, and local TB control programs; (15) develops training and educational materials, and provides technical assistance on communications and training needs; (16) participates in the development of policies and guidelines for TB prevention and control within populations at high risk, such as persons infected with HIV or racial and ethnic minorities; (17) provides programmatic consultation, technical assistance, and outbreak response assistance to other countries by collaborating with national and international partners; (18) supports technical activities and operational research to reduce TB in foreign-born populations; (19) provides leadership and technical support to the global health initiatives for the prevention and control of TB and drug-resistant TB; (20) provides leadership and technical support to the World Health Organization (WHO)-hosted Stop TB

Partnership for implementation of the Global Plan to Stop TB and Millennium Development Goals; (21) monitors progress and trends towards TB elimination; (22) monitors progress towards CDC, Healthy People 2010, and the Government Performance Results Act goals; (23) provides progress reports to, and solicits advice from, the Advisory Council for the Elimination of Tuberculosis (ACET); and (24) facilitates partnerships with affected communities, nongovernmental, professional, and global organizations.

Office of the Director (CVJE1). (1) Provides leadership and guidance in program planning and management, policy formulation, and development of training, surveillance, and research programs in TB; (2) directs and evaluates the operations of the division; (3) establishes contact with, and promotes TB activities of, other national and international organizations which have an important role to play in achieving TB elimination; (4) coordinates administrative and logistical support services for the division; (5) provides consultation and assistance in writing reports for presentation at local, regional, national, and international scientific meetings and for publication in scientific journals; (6) coordinates and tracks materials for purposes of clearance and approval for publications and presentations; (7) presents findings at national and international scientific meetings; (8) presents division overview at the ACET meetings; (9) collaborates and coordinates division activities with other components of NCHHSTP and CDC; (10) provides technical support to ACET; (11) provides administrative and technical support for the Stop TB USA (previously the National Coalition for the Elimination of Tuberculosis) and the Federal TB Task Force; and (12) provides leadership and technical expertise to the global Stop TB partnership.

Delete in its entirety the functional statement for the Communications, Education, and Behavioral Studies Branch (CVJEB), and insert the following:

(1) Provides technical assistance to health departments and other health care providers in assessing and meeting their TB training, education, and communication needs; (2) provides technical expertise to assess the impact of training and education activities by health departments; (3) provides technical assistance to health departments and other TB health care providers regarding behavioral studies research and intervention development; (4) collaborates with the WHO, the World Bank, the International Union Against Tuberculosis and Lung Diseases (IUATLD), United States Agency for International Development (USAID), and others, in assessing and meeting TB training, education, and communication needs in other countries; (5) provides consultation and assistance in coordinating TB training, education, behavioral studies and interventions, and communication activities carried out by other CDC programs, Regional Training and Medical Consultation Centers, and Stop TB USA members, and develops, markets, and maintains electronic mailing lists for persons with TB-related education, training, and communication responsibilities; (6) develops, plans, and coordinates agendas necessary to conduct TB conferences and workshops sponsored by the division; (7) provides DTBE coordination and oversight and technical information for CDC INFO; (8) organizes and maintains scientific and non-scientific information resources related to TB; (9) conducts formative research and evaluation on approaches to patient, provider, and public education, and conducts research on individual and social factors affecting health-care seeking behavior and treatment outcomes related to TB; (10) based on research findings, develops behavioral interventions targeted to health care providers, persons with or at risk for TB, and other high-risk populations; (11) provides consultation to national and international organizations on behavioral research needs and study designs; on the technical transfer of behavioral research findings into TB program practice and TB training and educational strategies; and provides consultation, technical assistance, and coordination to other branches within the division regarding development and implementation of behavioral interventions and training for branch specific activities such as Report of Verified Case of Tuberculosis, Aggregate Reports for Program Evaluation, and surveillance activities; (12) presents findings at national and scientific meetings and develops, disseminates, and evaluates training and educational materials and courses providing TB information to the scientific and public health communities, as well as the general population; (13) conducts training and education needs assessments; identifies resources available for health department TB control officers and senior managers, TB nurse consultants, TB training and education directors and for senior staff carrying out TB activities in other programs or facilities serving persons at high risk for TB; and develops, conducts, and coordinates training courses on TB for state and big city TB program managers and nurse consultants; (14) based on needs assessments, develops and conducts or coordinates training courses and materials for staff who train and/or supervise front-line TB program staff (15) provides oversight in the planning, coordination, and maintenance of the division's Internet and Intranet Web sites; (16) conducts and/or coordinates communications programs designed to build public support and sustain public interest and commitment to the elimination of TB; (17) conducts communications research and identifies communications resources available for health department TB control officers and senior managers, TB nurse consultants, and for senior staff carrying out TB activities in other programs or facilities serving persons at high risk for TB; (18) coordinates graphic support to the division and senior field staff; (19) provides coordination and oversight for division responses and relations with the media and public and serves as point of contact for telephonic, written, and electronic (e-mail) requests for information from the media and public; (20) develops, coordinates, and staffs the divisions exhibit booth at conferences/meetings; (21) provides oversight and coordination for TB related voice and Web-based TB information, training, and education resources; (22) maintains inventory of TB training opportunities and coordinates with employees and supervisors for training necessary to carry out their duties; and (23) presents communications issues to ACET and at national and international scientific meetings.

Delete in its entirety the title and function statement for the Clinical and Health Systems Research Branch (CVJEE), and insert the following:

Clinical Research Branch (CVJEE). (1) Assesses the need for and conducts studies of new or existing drugs and regimens used in the prevention and treatment of TB, including dosage, duration, pharmacokinetics and toxicity; (2) supports the TB Trials Consortium in the conduct of studies of new treatments for active TB and latent TB infection; (3) supports coordinated and standardized data management for branch research, and serves as the Data and Coordinating Center for the TB Trials Consortium, collaborating as needed with both internal and external partners; (4) collaborates with private and public institutions in the area of vaccine development; (5) provides clinical support and oversight for the

distribution of investigational drugs for the treatment and prevention of TB by CIOs/Scientific Resources/Drug Service; (6) assesses the need for and conducts clinical and field trials of more specific and rapid tests to diagnose active TB and latent TB infection and to identify drug-resistant TB in collaboration with the Laboratory Branch; (7) collaborates with and provides consultation and technical assistance to national and international organizations on the design and conduct of clinical trials and research needs; (8) conducts, participates in, and collaborates with other DTBE units in research on clinical, epidemiologic, immunologic and genetic aspects of TB prevention and control; (9) collaborates in contact investigation research with other branches and local programmatic areas; (10) conducts multidisciplinary studies (including the analysis of behavioral, economic, and epidemiologic factors) of health care systems to assess the cost, effectiveness, and impact of public health policies, programs, and practices on TB outcomes to further the goal of TB elimination in the U.S., and targets these studies toward various populations at high risk for TB, including persons from high TB prevalent countries, homeless persons, HIV-infected persons, residents of correctional facilities, substance abusers, and health care workers; (11) provides consultation and training to local, state, national, and international organizations, and to TB program field staff, on design and conduct of clinical trials, TB therapeutics and diagnostics, health care systems research needs, decision and economic analyses, evaluation techniques, qualitative research methods, and research on TB transmission; (12) has responsibility for divisional engagement in preparing for and participating in trials of new TB vaccines; (13) reports study results to public health practitioners through direct communication, articles in scientific journals and CDC publications, and oral and poster presentations at national and international scientific meetings; (14) provides input into statements and guidelines issued by the CDC, the ACET, and professional organizations; and (15) presents research issues and findings to ACET and at national and international scientific meetings.

Delete items (2), (3), (4), and (6) of the functional statement for the International Research and Programs Branch (CVJEI1D), and insert the following: (2) Coordinates the assessment of immigration and its impact on TB patterns in the U.S. and assists with the evaluation of overseas TB screening procedures for immigrants and refugees; (3) conducts and coordinates operational research and demonstration projects to improve both the overseas screening for TB of immigrants and refugees and the domestic follow-up of those entering with suspected TB (in collaboration with other CIOs); (4) promotes the improved recognition and management of TB among the foreign-born through epidemiological analyses of national TB surveillance data and special studies on the U.S./Mexico border and in countries contributing to foreign-born TB cases in the U.S.; (6) collaborates with the nation of Botswana, WHO, the World Bank, IUATLD, USAID, and others, to conduct investigations into the diagnosis, management, and prevention of TB in persons with and without HIV infection.

Delete in its entirety the title and function statement for the Mycobacteriology Laboratory Branch (CVJEJ), and insert the following:

Laboratory Branch (CVJEJ). (1) Serves as the national reference laboratory in support of the mission of DTBE, fulfilling public health function in leadership, clinical and consultative service, and research; (2) provides laboratory support for epidemic investigations, surveillance activities, and special studies of TB, in collaboration of other branches; (3) administers contracts to provide Mycobacterium tuberculosis genotyping, maintains a national database of genotypes, and conducts operational research to implement genotyping; (4) develops and evaluates new methods to subtype M tuberculosis for epidemiologic studies; (5) serves as primary CDC focus for diagnostic laboratory services for TB; (6) administers grants and cooperative agreements with states and others to upgrade laboratory activities and provide special services; (7) provides reference diagnostic services, consultation, technical assistance, and training to state, federal, and municipal public health laboratories; (8) provides laboratory support, reference services, assessment, consultation, and training for CDC's international TB activities; (9) develops, evaluates, or improves conventional and molecular methods for the detection, classification, identification, characterization, and susceptibility testing of M tuberculosis; (10) conducts studies to define the role of bacterial virulence factors, host factors, and pathogenic and immunologic mechanisms in disease processes and protective immunity in mycobacteria, and develops, evaluates, and improves immunologic methods for the diagnosis and prevention of TB; (11) develops tissue culture and animal models of TB and conducts studies on chemotherapy, immunotherapy, pathogenesis, pathology, and vaccines for TB; (12) prepares manuscripts for publication in scientific journals; (13) presents findings at national and international scientific meetings; (14) supervises and trains fellows in temporary or multi-year educationally-based programs in endeavors related to the mission of the branch; and (15) presents laboratory issues to ACET and at national and international scientific meetings.

Dated: September 27, 2010.

William P. Nichols,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–25427 Filed 10–8–10; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Statement of Organization, Functions, and Delegations of Authority

Part J (Agency for Toxic Substances and Disease Registry) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (50 FR 25129–25130, dated June 17, 1985, as amended most recently at 73 FR 20293, dated April 15, 2008) is amended to reflect the reorganization of the Agency for Toxic Substances and Disease Registry.

Section J–B, Organization and Functions, is hereby amended as follows: After the title and function statement for the Office of Policy, Planning, and Evaluation (JAA3), Office of the Director (JAA), Office of the Administrator (JA), Agency for Toxic Substances and Disease Registry (J), insert the following:

Office of Communication (JAA7). The Office of Communication (OC): (1) Serves as the principal advisor to the Agency Assistant Administrator and divisions on communication and marketing science, research, practice, and public affairs; (2) leads agency strategic planning for communication and marketing science and public affairs programs and projects; (3) analyzes context, situation, and environment to inform agency-wide communication and marketing programs and projects; (4) ensures use of scientifically sound research for marketing and communication programs and projects;

(5) ensures accurate, accessible, timely, and effective translation of science for use by multiple audiences; (6) leads identification and implementation of information dissemination channels; (7) provides communication and marketing project management expertise; (8) collaborates with external organizations and the news, public service, and entertainment and other media to ensure that scientific findings and their implications for public health reach the intended audiences; (9) collaborates closely with divisions to produce materials tailored to meet the requirements of news and other media channels, including press releases, letters to the editor, public service announcements, television programming, video news releases, and other electronic and printed materials; (10) coordinates the development and maintenance of accessible public information through the Internet, social media and other applicable channels; (11) supervises and manages a comprehensive records management activity in accordance with National Archives and Records Administration standards and CERCLA legislative requirements; (12) provides training and technical assistance in the areas of health communication, risk communication, social marketing, and public affairs; (13) provides editorial services, including writing, editing, and technical editing; (14) supervises and manages OC activities, programs, and staff; (15) serves as liaison to internal and external groups to advance the agency's mission; (16) collaborates with the CDC Office of the Associate Director for Communication on media relations, electronic communication, health media production, and brand management activities; and (17) collaborates with CDC Centers/Institute/Offices in the development of marketing communications targeted to populations that would benefit from a cross-functional approach.

Dated: September 27, 2010.

William P. Nichols,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–25221 Filed 10–8–10; 8:45 am]

BILLING CODE 4160–70–M

DEPARTMENT OF HOMELAND SECURITY

United States Immigration and Customs Enforcement

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 30-Day Notice of Information Collection for Review; Application for Stay of Deportation or Removal, Form I–246, OMB No. 1653–0021.

The Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), is submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The Information Collection was previously published in the **Federal Register** on July 15, 2010, Vol. 75, No. 135, 41214, allowing for a 60-day public comment period. ICE received no comments on this Information Collection from the public during this 60-day period. The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted for thirty days until November 12, 2010.

Written comments and suggestions from the public and affected agencies regarding items contained in this notice and especially with regard to the estimated public burden and associated response time should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Immigration and Customs Enforcement, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved Information Collection.

(2) *Title of the Form/Collection:* Application for Stay of Deportation or Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* I–246; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households, Business or other non-profit. The information collected on the Form I–246 is necessary for U.S. Immigration and Customs Enforcement (ICE) to make a determination that the eligibility requirements for a request for a stay of deportation or removal are met by the applicant.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10,000 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 5,000 annual burden hours.

Requests for a copy of the proposed information collection instrument, with instructions; or inquiries for additional information regarding this Information Collection should be requested via e-mail to: *forms.ice@dhs.gov* with "ICE Form I–246" in the subject line.

Dated: October 5, 2010.

Joseph M. Gerhart,

Chief, Records Management Branch, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2010–25555 Filed 10–8–10; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0618]

Exemption and Equivalent Arrangements Under the International Convention on Load Lines, 1966, as Modified by the Protocol of 1988

AGENCY: Coast Guard, DHS.

ACTION: Notice of issuance and availability.

SUMMARY: The Coast Guard announces that it has recently notified the International Maritime Organization (IMO) of issuance of an exemption under the International Convention on Load Lines (ICLL) covering reduced "working freeboard" exemptions for hopper dredges. In addition, the Coast Guard announces completion and availability of the DR–68 reduced freeboard standards for hopper dredges. The Coast Guard also notified IMO of approved equivalent arrangements, as permitted by the ICLL and U.S. regulations, regarding hatch covers for hopper dredges and barges that meet "flooded hopper" stability criteria. This notice may be of special interest to the U.S. dredging industry and naval architecture, and marine engineering firms.

DATES: The Coast Guard issued formal notification to the IMO of equivalent arrangements for hatch covers for certain unmanned open hopper barges on March 30, 2009. We issued formal notification to the IMO of equivalent arrangements for hatch covers for certain manned, self-propelled open hopper dredges on November 12, 2009. We issued formal notification to the IMO of reduced freeboard exemptions for hopper dredges on April 7, 2010.

ADDRESSES: More information on load lines can be found on the Coast Guard load line website at: *http://www.uscg.mil/hq/cg5/cg5212/loadlines.asp.* This notice, the IMO notifications, and DR–68 are available in the docket and can be viewed by going to *http://www.regulations.gov,* inserting USCG–2010–0618 in the "Keyword" box, and then clicking "Search."

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Jordan, United States Coast Guard, Office of Design and Engineering Standards, Naval Architecture Division (CG–5212), at telephone 202–372–1370, or by e-mail at *thomas.d.jordan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background

The International Convention on Load Lines (ICLL), 1966 is one of several international conventions administered by the IMO, a specialized agency of the United Nations. It was created to establish "uniform principles and rules with respect to the limits to which ships on international voyages may be [safely] loaded." Chapter 51 (Load Lines) of Title 46 of the United States Code gives effect to ICLL provisions.

The most familiar load line feature is the well-known "Plimsoll mark" visible on each side of the hull. However, load lined vessels must also meet specific design and construction requirements. The purpose of load line assignment is to ensure the over-all seaworthiness of the intact (undamaged) vessel. Ocean service load lines allow unrestricted operations on any ocean, at any time of year (an extreme example being winter in the North Atlantic). This is accomplished by load line requirements that ensure: A robust hull that can withstand severe sea conditions, the weathertight and watertight integrity of critical openings, sufficient reserve buoyancy and freeboard, and accurate stability and loading information provided on board.

To that effect, the ICLL prescribes 44 regulations that pertain to the design and construction of a ship, an additional five regulations specifically for vessels that carry timber deck cargoes, and seven regulations that divide the oceans into zones and areas on the basis of seasonal weather criteria. The United States regulations for a domestic ocean service load line (in 46 CFR Part 42) implement Chapter 51 of Title 46 of the United States Code.

United States and ICLL Regulations

As stipulated in 46 CFR 42.03–5, most commercial United States vessels more than 79 feet long that operate outside the Boundary Line are required to have a load line assignment. Those United States vessels that go on voyages to foreign ports must have an international load line assignment issued in accordance with the ICLL. United States vessels that operate outside the Boundary Line on domestic voyages only (*i.e.,* coastwise, Great Lakes, or ocean voyages that return directly to a U.S. port) must have a domestic United States load line assignment.

Although most domestic and ICLL load line requirements are appropriate for laden cargo ships on the high seas, some of the requirements can be overly conservative—and burdensome—for certain service vessels that operate nearshore under less-severe conditions. However, under the ICLL and 46 CFR 42.03–20 and 42.03–30, it is possible to relax those requirements—or exempt them entirely—if the vessel is still able to maintain the equivalent level of safety intended by load line assignment.

Exemption and Equivalency Authority Under the ICLL and United States Law

Recognizing the wide variety of commercial vessel types and realizing that not every regulation is necessarily appropriate for every vessel design, the ICLL includes provisions that give Administrations (signatory member nations) some degree of flexibility in applying the regulations to vessels of unusual form or service. In addition, 46 U.S.C. 5108 ("Special Exemptions") permits exemption of a vessel from the load lines requirements when "(1) the vessel is entitled to an exemption under an international agreement to which the United States is a party; or (2) under regulations (including regulations on special operations conditions) prescribed by the Secretary, the Secretary finds that good cause exists for granting an exemption." When an exemption is granted, a certificate of exemption may be issued.

Exemptions: Both ICLL Article 6(2) and 46 CFR 42.03–30 authorize the exemption of any vessel which embodies features of a novel kind from load lines requirements that might impede research and development of such novel features. Under both provisions, however, the relevant authority is required to ensure the over-all safety of the vessel for the service intended.

Equivalents: Both ICLL Article 8 and 46 CFR 42.03–20 allow the approval of any alternative fitting, material, appliance, apparatus, or other provision, provided that the alternative is as effective as that required by the Convention.

IMO Notification: When approving an exemption or equivalency under the authority of either Article 6(2) or 8, the Administration is required to submit a notification to IMO, describing the issue, the reasons for the Administration's decision, and the alternative arrangement that was approved (if applicable). IMO then circulates the notification among all member Administrations for their information.

ICLL Exemptions for Hopper Dredges: Reduced Freeboards

The Coast Guard has recently approved reduced freeboard exemptions for some United States dredges under two special load line regimes: (1) "working freeboard" and 2) DR67.

"Working Freeboard"

With few exceptions, vessels are prohibited from submersion of their load line marks. This prevents overloading and maintains sufficient freeboard and reserve buoyancy for the high seas voyage. However, it is not possible for hopper dredges to conduct dredging operations under the extreme weather conditions anticipated by the load line regulations. Furthermore, unlike cargo ships, hopper dredges have

the unique ability to quickly jettison their spoils cargo and regain thousands of tons of buoyancy. Therefore, the full freeboard for unrestricted ocean operation is unnecessary during dredging operations. Permitting the dredge to operate at a reduced freeboard (*i.e.,* to submerge its marks) under relatively benign weather conditions allows it to safely carry more spoils per run, thereby increasing its efficiency. Based on that consideration, there are two special reduced freeboard exemption regimes that have been developed for qualified hopper dredges.

The first regime was established in 1989 for United States dredges operating in domestic waters, when the Coast Guard promulgated the "working freeboard" load line regulations in 46 CFR 44.300 through 44.340. In order to qualify for the reduced "working freeboard" assignment, a dredge must meet several design and equipment requirements: intact and two-compartment damage stability, remote draft indicators, ability to jettison spoils under emergency conditions, etc. When dredging at the reduced freeboard, it is operationally restricted to locations within 20 nautical miles from a place of refuge, seas not exceeding 10 feet and winds not exceeding 35 knots. Under these conditions, the dredge can be assigned a reduced "working freeboard" of 50% of its normal freeboard assignment.

Several United States hopper dredges have qualified for this domestic "working freeboard" assignment over the 20 years that the regime has been in existence. The Coast Guard has now reviewed this domestic regime and determined that it is equally suitable for international service. For purposes of ICLL assignment, dredges that meet the "working freeboard" criteria of 46 CFR 44.300 embody "novel features" as contemplated by ICLL Article 6(2) (discussed above). When operated in conjunction with appropriate weather restrictions, they may safely operate at the reduced freeboard. Therefore, in accordance with the ICLL Article 6(2) and 46 CFR 42.03–30, and on a case-by-case basis, the Coast Guard will authorize an ICLL Exemption Certificate that exempts the dredges from ICLL Article 12, which otherwise prohibits submersion of the load line marks.

DR–67 and DR–68

The second reduced freeboard regime for hopper dredges was established in 2001 by a joint European working group of classification societies, the dredging industry, the shipbuilding industry, and regulatory officials from Belgium, France, Germany, the Netherlands, and the United Kingdom. Their exemption regime is titled "Guidelines for the Construction and Operation of Dredges Assigned Reduced Freeboards," but is generally referred to as "DR–67." Like the United States "working freeboard" regime, DR–67 sets out similar design and equipment requirements. However, DR–67 differs from the United States regime in that it is more flexible in its weather restrictions, and can allow up to a 66% reduction in freeboard under sufficiently benign conditions.

The European working group has revised and updated DR–67; the new revision is referred to as "DR–68." The Coast Guard participated in this revision effort to ensure that DR–68 is consistent with United States safety concerns and in order to provide United States dredge operators with an alternative approach for reduced freeboard assignment. Therefore, in accordance with the ICLL Article 6(2) and 46 CFR 42.03–30, and on a case-by-case basis, the Coast Guard will authorize an ICLL Exemption Certificate that exempts the dredges from ICLL Article 12, which otherwise prohibits submersion of the load line marks.

ICLL Equivalents for Hopper Dredges and Barges: Hatch Covers

Ordinarily, load line regulations require hatch openings to be closed by weathertight hatch covers, since conventional cargo ships cannot survive extensive flooding of their cargo holds. However, some open hopper vessels (such as dredges, dump scows, etc.) can be designed to maintain adequate buoyancy and stability even with flooded hoppers. For such vessels, this stability characteristic provides an equivalent level of safety to the hatch covers; therefore, hatch covers are unnecessary and may actually interfere with other aspects of the vessel design.

In accordance with the ICLL Article 8 and 46 CFR 42.03–20, the Coast Guard will, on a case-by-case basis, approve equivalent arrangements from ICLL Regulation 14 (requirement for hatch covers).

Coast Guard Notifications to IMO

As required by the Convention, the Coast Guard has already submitted the requisite notifications to IMO. These documents, as well as copies of DR–67 and DR–68, are posted on-line at: *http://www.regulations.gov* (docket ID number USCG–2010–0618).

Requesting Exemptions and Equivalencies

Owners/operators of hopper dredges or barges desiring an exemption or equivalency using any of the above three standards should contact their load line issuing authority (classification society), who will review the vessel for compliance with the Coast Guard's criteria for the exemption or equivalency. The classification society will then make a recommendation to the Coast Guard Naval Architecture Division (CG–5212) for approval. The mailing address is Commandant (CG–5212), U.S. Coast Guard, 2100 2nd Street, SW., Stop 7126, Washington, DC 20593–7126.

This notice is issued under authority of 5 U.S.C. 552 and 46 U.S.C. 5108.

Dated: September 15, 2010.

J.G. Lantz,

Director, Office of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2010–25500 Filed 10–8–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–ES–2010–N192; 70120–1113–0000–C4]

Endangered and Threatened Wildlife and Plants; Notice of Availability of Draft Recovery Plan for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our draft recovery plan for the southwest Alaska Distinct Population Segment (DPS) of the northern sea otter (*Enydra lutris kenyoni*), listed as threatened under the Endangered Species Act of 1973, as amended (Act). Our recovery plan describes the status, current management, recovery objectives and criteria, and specific actions needed to enable us to delist the southwest Alaska DPS. We request review and comment on our plan from local, State, and Federal agencies and the public. We will also accept any new information on the species' status throughout its range.

DATES: We must receive written comments on or before February 9, 2011. However, we will accept information about any species at any time.

ADDRESSES: Copies of the draft recovery plan are available by request from the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, AK 99503;

telephone 907/786–3800; facsimile 907/786–3816. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339. An electronic copy of the draft recovery plan is also available at: *http://alaska.fws.gov/fisheries/mmm/seaotters/recovery.htm.*

For how to submit comments, see "Request for Public Comments" under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Douglas M. Burn, Wildlife Biologist, at the above address or telephone number.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Act (16 U.S.C. 1531 *et seq.*). To help guide the recovery effort, we are working to prepare recovery plans for most listed species native to the United States. The Act requires that we develop recovery plans for listed species, unless such a plan would not promote the conservation of a particular species, and that we provide public notice and an opportunity for public review and comment during recovery plan development. Recovery plans describe actions considered necessary for the conservation and survival of the species, establish criteria for reclassifying or delisting listed species, and estimate time and cost for implementing needed recovery measures.

We listed the southwest Alaska DPS of the northern sea otter as threatened on August 9, 2005 (70 FR 46366). For description, taxonomy, distribution, status, breeding biology and habitat, and a summary of factors affecting the species, please see the final listing rule. Critical habitat was designated for this DPS on October 8, 2009 (74 FR 51988).

The southwest Alaska population ranges from Attu Island at the western end of Near Islands in the Aleutians, east to Kamishak Bay on the western side of lower Cook Inlet, and includes waters adjacent to the Aleutian Islands, the Alaska Peninsula, the Kodiak archipelago, and the Barren Islands (see Figure 3 of the February 11, 2004, Proposed Listing Rule; 69 FR 6605). Within this range, sea otters generally occur in nearshore, shallow waters less than 100 meters (m) (328 ft) in depth. This population experienced a rapid decline in abundance of more than 50 percent since the late 1980s. At the time of our 2005 final listing rule, we estimated that the DPS consisted of approximately 42,000 sea otters.

The magnitude of the population decline has varied over the range. In some areas, numbers have declined by more than an order of magnitude, while in other areas no decline has been detected. To address such differences, this recovery plan identifies five management units (MUs) within the DPS: (1) Western Aleutian Islands; (2) Eastern Aleutian Islands; (3) South Alaska Peninsula; (4) Bristol Bay; and (5) Kodiak, Kamishak, Alaska Peninsula.

The cause of the overall decline is not known with certainty, but the weight of evidence points to increased predation, most likely by the killer whale (*Orcinus orca*), as the most likely cause. Predation is therefore considered a threat to the recovery of this DPS; however, other threats—including infectious disease, biotoxins, contaminants, oil spills, food limitation, disturbance, bycatch in fisheries, subsistence harvest, loss of habitat, and illegal take—are also considered in this recovery plan. Threats are summarized in general, and their relative importance is assessed for each of the five MUs. Most threats are assessed to be of low importance to recovery of the DPS; the threats judged to be most important are predation (moderate to high importance) and oil spills (low to moderate importance). Threats from subsistence harvest, illegal take, and infectious disease are assessed to be of moderate importance in the Kodiak, Kamishak, Alaska Peninsula MU, but of low importance elsewhere.

The goal of the recovery program is to control or reduce threats to the southwest Alaska DPS of the northern sea otter to the extent that this DPS no longer requires the protections afforded by the Act and therefore can be delisted. To achieve this goal, the recovery plan identifies three objectives: (1) Achieve and maintain a self-sustaining population of sea otters in each MU; (2) maintain enough sea otters to ensure that they are playing a functional role in their nearshore ecosystem; and (3) mitigate threats sufficiently to ensure persistence of sea otters. Each of these objectives includes explicit criteria to determine if the objective has been met; these are known as "delisting criteria." They stipulate that in order for the DPS to be removed from the Endangered and Threatened Species List, at least three of the five MUs must have met the delisting criteria. Delisting should not be considered, however, if any MU meets the criteria specified for uplisting to endangered. The plan also contains criteria to determine if the DPS should be considered for reclassification as endangered; these are known as "uplisting criteria."

Specific actions to achieve recovery and delisting of the DPS are specified in the recovery action outline and narrative. As demographic characteristics of the population constitute one of the three types of delisting criteria, population monitoring and population modeling are high priorities. Monitoring the status of the kelp forest ecosystem in the Western Aleutian and Eastern Aleutian MUs is also a high priority, as results from such monitoring will be needed to evaluate the ecosystem-based delisting criteria. Other high-priority actions include identifying characteristics of sea otter habitat, and ensuring that adequate oil spill response capability exists in southwest Alaska. As predation is considered to be the most important threat to recovery, additional research on that topic is also a high priority. The recovery implementation schedule provides details regarding the timing, cost, and agencies or entities responsible for implementing each recovery action. The full cost of implementing this recovery plan over the next 5 years is approximately $15M, of which $2.815M is for Priority 1 actions. Securing adequate funding to implement the plan is therefore also a high priority.

Request for Public Comments

We request written comments on the draft recovery plan. All comments received by the date specified in **DATES** will be considered prior to finalization of this recovery plan. If you wish to comment, you may submit your comments and materials concerning this recovery plan by one of these methods:

(1) You may submit written comments and information by mail or facsimile or in person to the Alaska Regional Office at the above address (see **ADDRESSES**).

(2) You may send comments by electronic mail (e-mail) to *r7_mmm_comment@fws.gov.* Please include your name and return address in your e- mail message.

Comments and materials received, as well as supporting documentation used in preparation of the recovery plan, will be available for inspection, during normal business hours at the above Anchorage address (*see* **ADDRESSES**).

We specifically seek comments on the following:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the species;

(2) Additional information concerning the range, distribution, and population size of these species, including the location of any additional populations;

(3) Current or planned activities in the subject area and their possible impacts on these species; and

(4) The suitability and feasibility of the recovery criteria, strategies, or actions described in the draft recovery plan.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. 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: We developed our draft recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 8, 2010.

Gary Edwards,

Acting Regional Director, Alaska Region, U.S. Fish and Wildlife Service.

[FR Doc. 2010–25538 Filed 10–8–10; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–740]

In the Matter of: Certain Toner Cartridges and Components Thereof; Notice 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 a complaint was filed with the U.S. International Trade Commission on August 20, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Lexmark International, Inc. of Lexington, Kentucky. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toner cartridges and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,337,032 ("the '032 patent"); U.S. Patent No. 5,634,169 ("the '169 patent"); U.S. Patent No. 5,758,233 ("the '233 patent"); U.S. Patent No. 5,768,661 ("the '661 patent"); U.S. Patent No. 5,802,432 ("the '432 patent"); U.S. Patent No. 5,875,378 ("the '378 patent"); U.S. Patent No. 6,009,291 ("the '291 patent"); U.S. Patent No. 6,078,771 ("the '771 patent"); U.S. Patent No. 6,397,015 ("the '015 patent"); U.S. Patent No. 6,459,876 ("the '876 patent"); U.S. Patent No. 6,816,692 ("the '692 patent"); U.S. Patent No. 6,871,031 ("the '031 patent"); U.S. Patent No. 7,139,510 ("the '510 patent"); U.S. Patent No. 7,233,760 ("the '760 patent"); U.S. Patent No. 7,305,204 ("the '204 patent"). The 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 an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Rett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2599

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 (2010).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 5, 2010, 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 toner cartridges and components thereof that infringe one or more of claim 1 of the '032 patent; claims 1–3, 32, 33, 36, and 42 of the '169 patent; claims 1 and 2 of the '233 patent; claims 1 and 2 of the '661 patent; claims 1–3 of the '432 patent; claims 1, 2, and 14 of the '378 patent; claims 1 and 2 of the '291 patent; claims 1, 2, 5, 6, 10, and 15 of the '771 patent; claims 1, 2, 7, 10, 11, 14, 15, 17, 22, and 24 of the '015 patent; claims 1–3 and 28 of the '876 patent; claim 1 of the '692 patent; claims 1, 3, 5, 8, and 10 of the '031 patent; claims 1 and 6 of the '510 patent; claims 11, 12, and 14 of the '760 patent; and claims 1, 7, 14, and 15 of the '204 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:

Lexmark International, Inc., 740 W. New Circle Road, Lexington, KY 40550.

(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:

Ninestar Image Co. Ltd., (a/k/a Ninestar Technology Co., Ltd.), No. 63 Mingzhubei Road, Zhuhai 519075, Guangdong, China.

Ninestar Image Int'l, Ltd., No. 63 Mingzhubei Road, Zhuhai 519075, Guangdong, China.

Seine Image International Co. Ltd., Rm. 18, 9/F New Commercial Ctr., 9 on Lai St, Sha Tin, New Territories, Hong Kong.

Ninestar Technology Company, Ltd., 150 Abbott Court, Piscataway, NJ 08854.

Ziprint Image Corporation, 19805 Harrison Avenue, Walnut, CA 91789.

Nano Pacific Corporation, 377 Swift Avenue, South San Francisco, CA 94080.

IJSS Inc. (d/b/a TonerZone.com Inc. and Inkjet Superstore), 1880 Century Park East, #200, Los Angeles, CA 90067.

Chung Pal Shin (d/b/a Ink Master), 16635 Valley View, Cerritos, CA 90703.

Nectron International, Inc., 725 Park Two Drive, Sugarland, TX 77478.

Quality Cartridges Inc., 162 44th Street, Brooklyn, NY 11232.

Direct Billing International Incorporated, (d/b/a Office Supply Outfitter and d/b/a The Ribbon Connection), 5910 Sea Lion Place, Suite 100, Carlsbad, CA 92010.

E-Toner Mart, Inc., 1718 Potrero Avenue, Suite #A, South El Monte, CA 91733.

Alpha Image Tech, 1718 Potrero Avenue Suite #A, South El Monte, CA 91733.
ACM Technologies, Inc., 2535 Research Drive, Corona, CA 92882.
Virtual Imaging Products Inc., 135 Ormont Drive Unit #14/15, North York, Ontario M9L 1N6, Acecom Inc.—San Antonio.
(d/b/a Inksell.com), 14833 Bulverde Road, San Antonio, TX 78251.
Ink Technologies Printer Supplies, LLC, (d/b/a Ink Technologies LLC), 7600 McEwen Road, Dayton, OH 45459.
Jahwa Electronics Co., Ltd., 7–6 Hyunam-ri Bugi-myeon Chongwon-gun, Chungchongbuk-do, South Korea 363–920.
Huizhou Jahwa Electronics Co., Ltd., No. 10 JiangJun Road, ZhouTian Village, Quichang Town, Huiyang District, Huizhou, Guangdong Province, China.
Copy Technologies, Inc., 130 James Aldredge Blvd., SW., Atlanta, GA 30336.
Laser Toner Technology, Inc., 515 Wharton Circle SW., Atlanta, GA 30336.
C & R Services, Incorporated, 2035 Fair Oaks Circle, Corinth, TX 76210.
Print-Rite Holdings Ltd., Unit 8, 10F, Block A, MP Industrial, Centre, No. 18 Ka Yip Street, Chai Wan, Hong Kong.
Union Technology Int'l (M.C.O.) Co., Ltd. 14H, Nam Kwong Building, 223–225 Avenida Drive, Rodrigo Rodrigues, Macao.

(c) The Commission investigative attorney, party to this investigation, is Rett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(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.

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: October 6, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–25550 Filed 10–8–10; 8:45 am]

BILLING CODE 7020–02–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 Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof,* DN 2759; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: Marilyn R. Abbott, 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 Motorola Mobility, Inc. on October 6, 2010. 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 wireless communication devices, portable music and data processing devices, computers and components thereof. The complaint names as respondent Apple, Inc. of Cupertino, CA.

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. 2759") 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)).

Issued: October 6, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–25547 Filed 10–8–10; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–384 and 731–TA–806–808 (Second Review)]

Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil, Japan, and Russia

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the countervailing duty order on hot-rolled flat-rolled carbon-quality steel products ("hot-rolled steel") from Brazil, the antidumping duty orders on hot-rolled steel from Brazil and Japan, and the suspended antidumping duty investigation on hot-rolled steel from Russia.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the countervailing duty order on hot-rolled steel from Brazil, the antidumping duty orders on hot-rolled steel from Brazil and Japan, and/or the suspended investigation on hot-rolled steel from Russia would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined that these reviews are extraordinarily complicated, and will therefore exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B). For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* October 1, 2010.

FOR FURTHER INFORMATION CONTACT: Joshua Kaplan (202–205–3184), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. On July 6, 2010, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (75 FR 42782, July 22, 2010). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Participation in the reviews and public service list. Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report. The prehearing staff report in the reviews will be placed in the nonpublic record on March 17, 2011, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing. The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on April 6, 2011, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before March 29, 2011. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 1, 2011, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions. Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is March 28, 2011. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is April 15, 2011; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before April 15, 2011. On May 11, 2011, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before May 13, 2011, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

Issued: October 6, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–25551 Filed 10–8–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on September 30, 2010, a proposed Consent Decree in *United States* v. *BP Products North America Inc,* (Civil No. 4:10-cv-3569), was lodged with the United States District Court for the Southern District of Texas.

This settlement relates to BP Products North America Inc.'s ("BP Products") petroleum refinery located in Texas City, Texas (the "Texas City Refinery").

The United States alleges civil claims against BP Products for violations at the Texas City Refinery of Clean Air Act ("CAA") Section 112(r) and the Chemical Accident Prevention Provisions promulgated at 40 CFR part 68. The United States' CAA claims, which are stated in a Complaint also filed on September 30, 2010 in the above-referenced matter, arise from three events—two fires and a leak of regulated substances—at the Texas City Refinery. The Complaint also alleges violations of Part 68 reporting requirements.

Under the proposed Consent Decree, BP Products will pay a civil penalty to the United States in the amount of $15 million. The Consent Decree also requires BP Products to regularly report to EPA on indicators of process safety at the Texas City Refinery, including: (1) The status of equipment inspections, (2) whether operations employees have received process safety training, and (3) whether additional accidental releases of regulated substances have occurred at the Texas City Refinery.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *BP Products North America Inc.,* Civil Action No. 4:10-cv-3569 (S.D. Tex.), and D.J. Ref. 90–5–2–1–08741.

The Consent Decree may be examined at the Office of the United States Attorney, Southern District of Texas, 919 Milam, Suite 1500, Houston, TX 77208 and at U.S. EPA Region 6, 1445 Ross Avenue, 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 by mail, from the Consent Decree Library, please enclose a check in the amount of $8.50 (25 cents per page reproduction cost) for the Consent Decree payable to the U.S. Treasury.

Maureen L. Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–25520 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement

Notice is hereby given that on October 5, 2010, a proposed settlement agreement in *United States* v. *Sunoco, Inc., et al.,* Civil Action No. 05–6336, was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States sought, under the Pennsylvania Uniform Contribution Among Tortfeasors Act, 42 Pa. Cons. Stat. Ann. §§ 8321–27, and the Pennsylvania Storage Tank and Spill Prevention Act, 35 Pa. Stat. Ann. §§ 6021.101–.2104, the recovery of environmental cleanup costs incurred by the United States at the former Defense Supply Center Philadelphia ("DSCP") property located at 2800 South 20th Street in Philadelphia, Pennsylvania. The United States also alleged—and sought an order under the Pennsylvania Clean Streams Law, 35 Pa. Stat. Ann. §§ 691.1–.1001, directing the defendants to abate—ongoing migration of petroleum hydrocarbons from a

refinery, which is owned or operated by Sunoco, Inc. or its affiliates, to the former DSCP property. The defendants filed a counterclaim seeking to recover from the United States environmental cleanup costs that they incurred in connection with environmental contamination on, or allegedly originating from, the former DSCP property. The settlement agreement resolves the liability of the United States; Sunoco, Inc.; Sunoco, Inc. (R&M); Atlantic Refining and Marketing Corp.; Sunoco Partners Marketing and Terminals, LP; and Atlantic Richfield Company; to each other for the claims alleged in the complaint, amended complaint and the counterclaims in this action, subject to terms and conditions set forth in the settlement agreement and excluding any liability that the parties might have for any contamination in the Potomac-Raritan-Magothy formation below the uppermost or shallow aquifer. The proposed settlement agreement would require defendants to pay, collectively, $10 million to the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the settlement agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Sunoco, Inc.,* D.J. Ref. 90–11–3–07721.

The settlement agreement may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the settlement agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or 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 $2.25 (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 Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–25492 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Proposed Partial Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Clean Air Act

Notice is hereby given that on September 30, 2010, a proposed Partial Consent Decree in *United States* v. *C.A.I., Inc., et al.,* Civil Action No. 1:10–cv–10390–GAO, was lodged with the United States District Court for the District of Massachusetts.

The proposed Partial Consent Decree will settle the United States' claims on behalf of the U.S. Environmental Protection Agency ("EPA") against Defendant Arnel Company, Inc. ("Arnel"), pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607, and Section 112(r)(1) of the Clean Air Act ("CAA"), 42 U.S.C. 7412(r)(1), with respect to the Danversport Superfund Site, in Danvers, Massachusetts ("Site"). Pursuant to the Partial Consent Decree, based on a demonstration of limited financial resources, Arnel will pay $15,000, including $11,250 in response costs under CERCLA and $3,750 as a civil penalty under the CAA.

The Department of Justice will receive comments relating to the proposed Partial Consent Decree for a period of 30 days from the date of this publication. Comments on the Partial Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *C.A.I., Inc., et al.,* Civil Action No. 1:10–cv–10390–GAO, D.J. Ref. 90–11–2–09184 & 90–11–2–09184/1.

The proposed Partial Consent Decree may be examined at the Office of the United States Attorney, One Courthouse Way, John Joseph Moakley Courthouse, Boston, Massachusetts 02210, and at U.S. EPA Region 1, Office of Regional Counsel, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109. During the public comment period, the proposed Partial Consent Decree may also be examined at the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the proposed Partial 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 number (202) 514–0097, phone confirmation number (202) 514–1547. If requesting a copy by mail from the Consent Decree Library, please enclose a check in the amount of $8.25 ($0.25 per page reproduction cost) payable to the U.S. Treasury or, if requesting by e-mail or fax, forward a check in that amount to the Consent Decree Library at the above-referenced address.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–25590 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the National Crime Prevention and Privacy Compact Council (Council) created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the Federal Government and 29 states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative federal-state system to exchange such records. The United States Attorney General appointed 15 persons from state and federal agencies to serve on the Council. The Council will prescribe system rules and procedures for the effective and proper operation of the Interstate Identification Index system for noncriminal justice purposes.

Matters for discussion are expected to include:

(1) Benchmarks for the National Fingerprint File Program Participation

(2) changes to the Security and Management control Outsourcing Standard for Channelers and Non-Channelers

(3) Prioritization of the Compact Council Strategies

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement with the Council or wishing to address this session of the Council should notify the Federal Bureau of Investigation (FBI) Compact Officer, Mr. Gary S. Barron at (304) 625–2803, at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed and the time needed for the presentation. Requesters will ordinarily be allowed up to 15 minutes to present a topic.

Dates and Times: The Council will meet in open session from 9 a.m. until 5 p.m., on November 3–4, 2010.

ADDRESSES: The meeting will take place at the Renaissance Glendale Hotel, 9445 West Coyotes Boulevard, Glendale, Arizona, telephone (623) 937–3700.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Mr. Gary S. Barron, FBI Compact Officer, Compact Council Office, Module D3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone (304) 625–2803, facsimile (304) 625–2868.

Dated: August 11, 2010.

Kimberly J. Del Greco,

Section Chief, Biometric Services Section Criminal Justice Information Services Division, Federal Bureau of Investigation.

[FR Doc. 2010–25282 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on High Efficiency Dilute Gasoline Engine II

Notice is hereby given that, on September 1, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Southwest Research Institute—Cooperative Research Group on High-Efficiency Dilute Gasoline Engine II, ("HEDGE II") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Continental Automotive GMBH, Regensburg, Germany, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HEDGE II intends to file additional written notifications disclosing all changes in membership.

On February 19, 2009, HEDGE II filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 2, 2009 (74 FR 15003).

The last notification was filed with the Department on March 22, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 6, 2010 (75 FR 24972).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 2010–25204 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on August 31, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), DVD Copy Control Association ("DVD CCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, FREEbox SAS, Paris, France; Hakuto Co., Ltd., Tokyo, Japan; Loewe Opta GmbH, Kronach, Germany; Seiko Epson Corporation, Nagano-ken, Japan; Shenzhen Maxmade Technology Co., Ltd., Shenzhen, Guangdong, People's Republic of China; and Toshiba Samsung Storage Technology Korea Corporation, Suwon-si, Gyeonggi-do, Republic of Korea, have been added as parties to this venture.

Also, GP Industries Limited, Singapore, Singapore; Mikasa Shoji (HK) Corporation, Kowloon, Hong Kong-China; Mitsubishi Chemical Corporation, Tokyo, Japan; Quantum Optical Laboratories (QOL), Vernouillet, France; Tecunion Electronics Technology Ltd., Futian District, Shenzhen, People's Republic of China; and Yuan High-Tech Development Co., Taipei, Taiwan, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on June 7, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 14, 2010 (75 FR 40851).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 2010–25209 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Connected Media Experience, Inc.

Notice is hereby given that, on August 17, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Connected Media Experience, Inc. ("CMX") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Puretracks, Toronto, Ontario, Canada; Gracenote, Emeryville, CA; and Thwapr, Inc., New York, NY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and CMX intends to file additional written notifications disclosing all changes in membership.

On March 12, 2010, CMX filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 16, 2010 (75 FR 20003).

The last notification was filed with the Department on May 28, 2010. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 14, 2010 (75 FR 40851).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 2010–25212 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Marine Well Containment Venture

Notice is hereby given that, on August 18, 2010, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Marine Well Containment Venture ("MWCV") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities and nationalities of the parties to the production venture and any person who controls a party to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Chevron USA, Inc., Houston, TX; ConocoPhillips Co., Houston, TX; ExxonMobil Development Co., Houston, TX; and Shell Offshore Inc., Houston, TX. The general area of MWCV's planned activity is (i) to design, produce (assemble and/or construct), operate, maintain, and own a system to provide emergency hydrocarbon well containment and related non-emergency services in the Gulf of Mexico and potentially in other regions; and (ii) to perform and sponsor related research and development activities.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 2010–25206 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated March 10, 2008, and published in the **Federal Register** on March 19, 2008 (73 FR 14841), Chemica, Inc., 316 West 130th Street, Los Angeles, California 90061, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of methamphetamine (1105), a basic class of controlled substance listed in schedule II.

The above-listed controlled substance is an intermediate in the manufacture of Benzphetamine, a schedule III non-narcotic controlled substance. The methamphetamine will not be sold as a commercial product in the domestic market.

A comment and objection was received. However, after a thorough review of this matter, DEA has concluded that issues raised in the comment and objection do not warrant the denial of this application.

DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Chemica, Inc. to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Chemica, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: October 5, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–25540 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated June 17, 2010, and published in the **Federal Register** on June 28, 2010 (75 FR 36683), Siegfried (USA), 33 Industrial Park Road, Pennsville, New Jersey 08070, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Gamma Hydroxybutyric Acid (2010), a basic class of controlled substance listed in schedule I.

The company plans to manufacture the listed controlled substance in bulk for sale to customers.

Three comments were received. Two of the three comments supported the granting of registration as a bulk manufacturer of the basic class of controlled substance listed to this applicant.

The third comment objected to the granting of registration. However, after a thorough review of this matter, DEA has concluded that the issues raised in the comment and objection do not warrant the denial of this application.

DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Siegfried (USA) to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Siegfried (USA) to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: October 5, 2010.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2010–25539 Filed 10–8–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; American Recovery and Reinvestment Act High Growth and Emerging Industries Grants Information Collection

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) hereby announces the submission of the information collection request (ICR) sponsored by the Employment and Training Administration (ETA) titled, "American Recovery and Reinvestment Act (ARRA) High Growth and Emerging Industries (HGEI) Grants Information Collection," to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 44 U.S.C. chapter 35.

DATES: Submit comments on or before November 12, 2010.

ADDRESSES: A copy of this ICR, with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain* or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an e-mail to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–6881/ Fax: 202–395–5806 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL is seeking OMB reauthorization of the information collection sponsored by the Employment and Training Administration (ETA) titled, "American Recovery and Reinvestment Act (ARRA) High Growth and Emerging Industries (HGEI) Grants Information Collection.

President Obama signed the ARRA into law by on February 17, 2009. Among other funding directed to the DOL, the ARRA provides $750 million for a program of competitive grants for worker training and placement in high growth and emerging industries, the ARRA HGEI grants. It is critical to record the impact of these ARRA resources, current information on participants in these grants, and the services provided to them. Therefore, to obtain comprehensive information on participants served by and services provided with ARRA resources, DOL proposes an extension with revisions of an information collection set for ARRA HGEI grantees.

The ARRA HGEI Grants information collection constitutes an information collection within the meaning of the PRA. Under the PRA, a Federal agency generally cannot conduct or sponsor a collection of information unless it is currently approved by the OMB under the PRA and displays a currently valid OMB control number. Furthermore, the public is generally not required to respond to a collection of information unless it displays a currently valid OMB control number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. *See* 5 CFR 1320.5(a) and 1320.6.

The DOL obtains OMB approval for this information collection under OMB Control Number 1205–0478. The current OMB approval is scheduled to expire on October 31, 2010. For additional information, see the related notice published in the **Federal Register** on May 17, 2010 (75 FR 27584).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference OMB Control Number 1220–0032. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: Employment and Training Administration.

Type of Review: Revision of a currently approved collection.

Title of Collection: American Recovery and Reinvestment Act (ARRA) High Growth and Emerging Industries (HGEI) Grants Information Collection.

Form Numbers: ETA–9153.

OMB Control Number: 1205–0478.

Affected Public: Private sector (business or other for-profits and not-for-profit institutions) and individuals or households.

Total Estimated Number of Respondents: 77,411.

Total Estimated Number of Responses: 78,772.

Total Estimated Annual Burden Hours: 164,680.

Total Estimated Annual Costs Burden: $0.

Dated: October 4, 2010.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2010–25445 Filed 10–8–10; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification Under Executive Orders 12073 and 10582

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual list of labor surplus areas for Fiscal Year (FY) 2011.

DATES: *Effective Date:* The annual list of labor surplus areas is effective October 1, 2010, for all states, the District of Columbia, and Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Samuel Wright, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue, NW., Room S–4231, Washington, DC 20210. Telephone: (202) 693–2870 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department of Labor's regulations

implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. These regulations require the Employment and Training Administration (ETA) to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations, ETA is hereby publishing the annual list of labor surplus areas.

In addition, the regulations provide exceptional circumstance criteria for classifying labor surplus areas when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

Eligible Labor Surplus Areas

A Labor Surplus Area (LSA) is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states during the same 24-month reference period. Only official unemployment estimates provided to ETA by the Bureau of Labor Statistics are used in making these classifications. The average unemployment rate for all States includes data for the Commonwealth of Puerto Rico. The basic LSA classification criteria include a "floor unemployment rate" (6.0%) and a "ceiling unemployment rate" (10.0%).

Civil jurisdictions are defined as follows:

(a) A city of at least 25,000 population on the basis of the most recently available estimates from the Bureau of the Census; or

(b) A town or township in the States of Michigan, New Jersey, New York, or Pennsylvania of 25,000 or more population and which possess powers and functions similar to those of cities; or

(c) A county, except those counties which contain any type of civil jurisdictions defined in A or B above; or

(d) A "balance of county" consisting of a county less any component cities and townships identified in paragraphs A or B above; or

(e) A county equivalent which is a town in the States of Connecticut, Massachusetts, and Rhode Island, or a municipio in the Commonwealth of Puerto Rico.

Procedures for Classifying Labor Surplus Areas

The Department of Labor (DOL) issues the labor surplus area list on a fiscal year basis. The list becomes effective each October 1 and remains in effect through the following September 30. The reference period used in preparing the current list was January 2008 through December 2009. The national average unemployment rate during this period was 7.6 percent. Twenty percent higher than the national unemployment rate of 7.6 percent is a qualifying rate of 9.1 percent. Therefore, areas included on the FY 2011 labor surplus area list had an average unemployment rate of 9.1 percent or above during the reference period. When a civil jurisdiction is part of a county and meets the unemployment qualifier as a labor surplus area, then the balance of county will be used if the balance of county also meets the unemployment criteria of a labor surplus area. Several areas not on this labor surplus list have current unemployment rates that are substantially higher than the unemployment qualifier of 9.1 percent. Most of these areas experienced unemployment rates that were considerably lower than the labor surplus qualifier of 9.1 percent for the first two quarters of 2008. The unemployment rates for most of these areas did not become significantly higher than 9.1 percent until the fourth quarter of 2008 causing the unemployment rate for the reference period to be lower than 9.1 percent. The FY 2011 labor surplus area list can be accessed at the ETA's LSA Web site at *http://www.doleta.gov/programs/lsa.cfm.* This year ETA added to the LSA Web site a map of the labor surplus areas, the geography definition of the balance of counties and Frequently Asked Questions.

Petition for Exceptional Circumstance Consideration

The classification procedures also provide for the designation of labor surplus areas under exceptional circumstance criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not reflected in the data for the 2-year reference period. Under the program's exceptional circumstance procedures, labor surplus area classifications can be made for civil jurisdictions, Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas, as defined by the Office of Management and Budget. In order for an area to be classified as a labor surplus area under the exceptional circumstance criteria, the state workforce agency must submit a petition requesting such classification to the Department of Labor's ETA. The current criteria for an exceptional circumstance classification are: an area's unemployment rate of at least 9.1 percent for each of the three most recent months; a projected unemployment rate of at least 9.1 percent for each of the next 12 months; and documentation that the exceptional circumstance event has already occurred. The state workforce agency may file petitions on behalf of civil jurisdictions, as well as Metropolitan Statistical Areas or Micropolitan Statistical Areas. The addresses of state workforce agencies are available on the ETA Web site at: *http://www.doleta.gov/programs/lsa.cfm.* State Workforce Agencies may submit petitions in electronic format to *wright.samuel.e@dol.gov,* or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue, NW., Room S–4231, Washington, DC 20210. Data collection for the petition is approved under OMB 1205–0207, expiration date March 31, 2012.

Signed at Washington, DC, this 5th day of October 2010.

Jane Oates,

Assistant Secretary for Employment and Training Administration.

LABOR SURPLUS AREAS

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Alabama	
Anniston City, AL	Calhoun County, AL
Balance of Dallas County, AL	Dallas County, AL
Barbour County, AL	Barbour County, AL

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Bessemer City, AL	Jefferson County, AL
Bullock County, AL	Bullock County, AL
Butler County, AL	Butler County, AL
Chambers County, AL	Chambers County, AL
Choctaw County, AL	Choctaw County, AL
Clarke County, AL	Clarke County, AL
Clay County, AL	Clay County, AL
Conecuh County, AL	Conecuh County, AL
Coosa County, AL	Coosa County, AL
DeKalb County, AL	DeKalb County, AL
Escambia County, AL	Escambia County, AL
Fayette County, AL	Fayette County, AL
Franklin County, AL	Franklin County, AL
Gadsden City, AL	Etowah County, AL
Greene County, AL	Greene County, AL
Hale County, AL	Hale County, AL
Lamar County, AL	Lamar County, AL
Lawrence County, AL	Lawrence County, AL
Lowndes County, AL	Lowndes County, AL
Marengo County, AL	Marengo County, AL
Marion County, AL	Marion County, AL
Monroe County, AL	Monroe County, AL
Perry County, AL	Perry County, AL
Pickens County, AL	Pickens County, AL
Prichard City, AL	Mobile County, AL
Randolph County, AL	Randolph County, AL
Russell County, AL	Russell County, AL
Selma City, AL	Dallas County, AL
Sumter County, AL	Sumter County, AL
Talladega County, AL	Talladega County, AL
Tallapoosa County, AL	Tallapoosa County, AL
Washington County, AL	Washington County, AL
Wilcox County, AL	Wilcox County, AL
Winston County, AL	Winston County, AL
Alaska	
Bethel Census Area, AK	Bethel Census Area, AK
Dillingham Census Area, AK	Dillingham Census Area, AK
Nome Census Area, AK	Nome Census Area, AK
Northwest Arctic Borough, AK	Northwest Arctic Borough, AK
Prince of Wales-Outer Ketchikan Census Area, AK	Prince of Wales-Outer Ketchikan Census Area, AK
Skagway-Hoonah-Angoon Census Area, AK	Skagway-Hoonah-Angoon Census Area, AK
Southeast Fairbanks Census Area, AK	Southeast Fairbanks Census Area, AK
Wade Hampton Census Area, AK	Wade Hampton Census Area, AK
Wrangell-Petersburg Census Area, AK	Wrangell-Petersburg Census Area, AK
Yakutat Borough/City, AK	Yakutat Borough/City, AK
Yukon-Koyukuk Census Area, AK	Yukon-Koyukuk Census Area, AK
Arizona	
Apache County, AZ	Apache County, AZ
Balance of Maricopa County, AZ	Maricopa County, AZ
Balance of Pinal County, AZ	Pinal County, AZ
Balance of Yuma County, AZ	Yuma County, AZ
El Mirage City, AZ	Maricopa County, AZ
Graham County, AZ	Graham County, AZ
Greenlee County, AZ	Greenlee County, AZ
Maricopa City, AZ	Pinal County, AZ
Navajo County, AZ	Navajo County, AZ
Santa Cruz County, AZ	Santa Cruz County, AZ
Yuma City, AZ	Yuma County, AZ
Arkansas	
Arkansas County, AR	Arkansas County, AR
Chicot County, AR	Chicot County, AR
Clay County, AR	Clay County, AR
Desha County, AR	Desha County, AR
El Dorado City, AR	Union County, AR
Mississippi County, AR	Mississippi County, AR

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Pine Bluff City, AR	Jefferson County, AR
St. Francis County, AR	St. Francis County, AR
West Memphis City, AR	Crittenden County, AR
Woodruff County, AR	Woodruff County, AR
California	
Adelanto City, CA	San Bernardino County, CA
Alpine County, CA	Alpine County, CA
Amador County, CA	Amador County, CA
Anaheim City, CA	Orange County, CA
Antioch City, CA	Contra Costa County, CA
Apple Valley Town, CA	San Bernardino County, CA
Atwater City, CA	Merced County, CA
Azusa City, CA	Los Angeles County, CA
Balance of Butte County, CA	Butte County, CA
Balance of Fresno County, CA	Fresno County, CA
Balance of Imperial County, CA	Imperial County, CA
Balance of Kern County, CA	Kern County, CA
Balance of Kings County, CA	Kings County, CA
Balance of Merced County, CA	Merced County, CA
Balance of Riverside County, CA	Riverside County, CA
Balance of Sacramento County, CA	Sacramento County, CA
Balance of San Benito County, CA	San Benito County, CA
Balance of San Bernardino County, CA	San Bernardino County, CA
Balance of San Joaquin County, CA	San Joaquin County, CA
Balance of Shasta County, CA	Shasta County, CA
Balance of Stanislaus County, CA	Stanislaus County, CA
Balance of Sutter County, CA	Sutter County, CA
Balance of Tulare County, CA	Tulare County, CA
Balance of Yolo County, CA	Yolo County, CA
Baldwin Park City, CA	Los Angeles County, CA
Banning City, CA	Riverside County, CA
Beaumont City, CA	Riverside County, CA
Bell City, CA	Los Angeles County, CA
Bell Gardens City, CA	Los Angeles County, CA
Bellflower City, CA	Los Angeles County, CA
Calaveras County, CA	Calaveras County, CA
Calexico City, CA	Imperial County, CA
Carson City, CA	Los Angeles County, CA
Cathedral City, CA	Riverside County, CA
Ceres City, CA	Stanislaus County, CA
Chico City, CA	Butte County, CA
Chino City, CA	San Bernardino County, CA
Chula Vista City, CA	San Diego County, CA
Coachella City, CA	Riverside County, CA
Colton City, CA	San Bernardino County, CA
Colusa County, CA	Colusa County, CA
Compton City, CA	Los Angeles County, CA
Corcoran City, CA	Kings County, CA
Cudahy City, CA	Los Angeles County, CA
Del Norte County, CA	Del Norte County, CA
Delano City, CA	Kern County, CA
East Palo Alto City, CA	San Mateo County, CA
El Cajon City, CA	San Diego County, CA
El Centro City, CA	Imperial County, CA
El Dorado County, CA	El Dorado County, CA
El Monte City, CA	Los Angeles County, CA
Eureka City, CA	Humboldt County, CA
Fairfield City, CA	Solano County, CA
Fontana City, CA	San Bernardino County, CA
Fresno City, CA	Fresno County, CA
Gilroy City, CA	Santa Clara County, CA
Glenn County, CA	Glenn County, CA
Hanford City, CA	Kings County, CA
Hawthorne City, CA	Los Angeles County, CA
Hayward City, CA	Alameda County, CA
Hemet City, CA	Riverside County, CA
Hesperia City, CA	San Bernardino County, CA
Highland City, CA	San Bernardino County, CA
Hollister City, CA	San Benito County, CA

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Huntington Park City, CA	Los Angeles County, CA
Imperial Beach City, CA	San Diego County, CA
Indio City, CA	Riverside County, CA
Inglewood City, CA	Los Angeles County, CA
La Puente City, CA	Los Angeles County, CA
Lake County, CA	Lake County, CA
Lake Elsinore City, CA	Riverside County, CA
Lancaster City, CA	Los Angeles County, CA
Lassen County, CA	Lassen County, CA
Lawndale City, CA	Los Angeles County, CA
Lemon Grove City, CA	San Diego County, CA
Lincoln City, CA	Placer County, CA
Lodi City, CA	San Joaquin County, CA
Lompoc City, CA	Santa Barbara County, CA
Long Beach City, CA	Los Angeles County, CA
Los Angeles City, CA	Los Angeles County, CA
Los Banos City, CA	Merced County, CA
Lynwood City, CA	Los Angeles County, CA
Madera City, CA	Madera County, CA
Manteca City, CA	San Joaquin County, CA
Mariposa County, CA	Mariposa County, CA
Maywood City, CA	Los Angeles County, CA
Merced City, CA	Merced County, CA
Modesto City, CA	Stanislaus County, CA
Modoc County, CA	Modoc County, CA
Montclair City, CA	San Bernardino County, CA
Montebello City, CA	Los Angeles County, CA
Moreno Valley City, CA	Riverside County, CA
Morgan Hill City, CA	Santa Clara County, CA
National City, CA	San Diego County, CA
Norwalk City, CA	Los Angeles County, CA
Oakland City, CA	Alameda County, CA
Ontario City, CA	San Bernardino County, CA
Oxnard City, CA	Ventura County, CA
Palmdale City, CA	Los Angeles County, CA
Paramount City, CA	Los Angeles County, CA
Perris City, CA	Riverside County, CA
Pittsburg City, CA	Contra Costa County, CA
Plumas County, CA	Plumas County, CA
Pomona City, CA	Los Angeles County, CA
Porterville City, CA	Tulare County, CA
Rancho Cordova City, CA	Sacramento County, CA
Redding City, CA	Shasta County, CA
Rialto City, CA	San Bernardino County, CA
Richmond City, CA	Contra Costa County, CA
Riverside City, CA	Riverside County, CA
Sacramento City, CA	Sacramento County, CA
Salinas City, CA	Monterey County, CA
San Bernardino City, CA	San Bernardino County, CA
San Jacinto City, CA	Riverside County, CA
San Jose City, CA	Santa Clara County, CA
San Pablo City, CA	Contra Costa County, CA
Sanger City, CA	Fresno County, CA
Santa Ana City, CA	Orange County, CA
Santa Maria City, CA	Santa Barbara County, CA
Santa Paula City, CA	Ventura County, CA
Sierra County, CA	Sierra County, CA
Siskiyou County, CA	Siskiyou County, CA
Soledad City, CA	Monterey County, CA
South Gate City, CA	Los Angeles County, CA
Stanton City, CA	Orange County, CA
Stockton City, CA	San Joaquin County, CA
Suisun City, CA	Solano County, CA
Tehama County, CA	Tehama County, CA
Trinity County, CA	Trinity County, CA
Tulare City, CA	Tulare County, CA
Tuolumne County, CA	Tuolumne County, CA
Turlock City, CA	Stanislaus County, CA
Twentynine Palms City, CA	San Bernardino County, CA
Vallejo City, CA	Solano County, CA
Victorville City, CA	San Bernardino County, CA

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Watsonville City, CA	Santa Cruz County, CA
West Sacramento City, CA	Yolo County, CA
Woodland City, CA	Yolo County, CA
Yuba City, CA	Sutter County, CA
Yuba County, CA	Yuba County, CA
Colorado	
Commerce City, CO	Adams County, CO
Dolores County, CO	Dolores County, CO
Connecticut	
Bridgeport City, CT	Bridgeport City, CT
Hartford City, CT	Hartford City, CT
New Britain City, CT	New Britain City, CT
New Haven City, CT	New Haven City, CT
Waterbury City, CT	Waterbury City, CT
Delaware	
Wilmington City, DE	New Castle County, DE
Florida	
Balance of Broward County, FL	Broward County, FL
Balance of Flagler County, FL	Flagler County, FL
Balance of Lee County, FL	Lee County, FL
Balance of Marion County, FL	Marion County, FL
Balance of Palm Beach County, FL	Palm Beach County, FL
Balance of Sarasota County, FL	Sarasota County, FL
Balance of St. Lucie County, FL	St. Lucie County, FL
Balance of Volusia County, FL	Volusia County, FL
Cape Coral City, FL	Lee County, FL
Charlotte County, FL	Charlotte County, FL
Citrus County, FL	Citrus County, FL
Collier County, FL	Collier County, FL
De Land City, FL	Volusia County, FL
Deltona City, FL	Volusia County, FL
Dixie County, FL	Dixie County, FL
Fort Pierce City, FL	St. Lucie County, FL
Hamilton County, FL	Hamilton County, FL
Hendry County, FL	Hendry County, FL
Hernando County, FL	Hernando County, FL
Hialeah City, FL	Miami-Dade County, FL
Highlands County, FL	Highlands County, FL
Indian River County, FL	Indian River County, FL
Lauderdale Lakes City, FL	Broward County, FL
Levy County, FL	Levy County, FL
Manatee County, FL	Manatee County, FL
Miami City, FL	Miami-Dade County, FL
Miami Gardens City, FL	Miami-Dade County, FL
North Miami Beach City, FL	Miami-Dade County, FL
North Miami City, FL	Miami-Dade County, FL
North Port City, FL	Sarasota County, FL
Ocala City, FL	Marion County, FL
Okeechobee County, FL	Okeechobee County, FL
Palm Coast City, FL	Flagler County, FL
Pasco County, FL	Pasco County, FL
Pinellas Park City, FL	Pinellas County, FL
Plant City, FL	Hillsborough County, FL
Polk County, FL	Polk County, FL
Port St. Lucie City, FL	St. Lucie County, FL
Putnam County, FL	Putnam County, FL
Riviera Beach City, FL	Palm Beach County, FL
Sanford City, FL	Seminole County, FL
Georgia	
Atkinson County, GA	Atkinson County, GA
Balance of Troup County, GA	Troup County, GA

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Balance of Whitfield County, GA	Whitfield County, GA
Baldwin County, GA	Baldwin County, GA
Bartow County, GA	Bartow County, GA
Ben Hill County, GA	Ben Hill County, GA
Berrien County, GA	Berrien County, GA
Burke County, GA	Burke County, GA
Butts County, GA	Butts County, GA
Calhoun County, GA	Calhoun County, GA
Chattahoochee County, GA	Chattahoochee County, GA
Chattooga County, GA	Chattooga County, GA
Clayton County, GA	Clayton County, GA
Coffee County, GA	Coffee County, GA
Cook County, GA	Cook County, GA
Crisp County, GA	Crisp County, GA
Dalton City, GA	Whitfield County, GA
Decatur County, GA	Decatur County, GA
Douglasville City, GA	Douglas County, GA
East Point City, GA	Fulton County, GA
Elbert County, GA	Elbert County, GA
Franklin County, GA	Franklin County, GA
Gordon County, GA	Gordon County, GA
Hancock County, GA	Hancock County, GA
Haralson County, GA	Haralson County, GA
Hart County, GA	Hart County, GA
Heard County, GA	Heard County, GA
Irwin County, GA	Irwin County, GA
Jasper County, GA	Jasper County, GA
Jeff Davis County, GA	Jeff Davis County, GA
Jefferson County, GA	Jefferson County, GA
Jenkins County, GA	Jenkins County, GA
Johnson County, GA	Johnson County, GA
LaGrange City, GA	Troup County, GA
Lamar County, GA	Lamar County, GA
Lawrenceville City, GA	Gwinnett County, GA
Lumpkin County, GA	Lumpkin County, GA
Macon City, GA	Bibb County and Jones County, GA
Macon County, GA	Macon County, GA
McDuffie County, GA	McDuffie County, GA
Meriwether County, GA	Meriwether County, GA
Murray County, GA	Murray County, GA
Newton County, GA	Newton County, GA
Quitman County, GA	Quitman County, GA
Randolph County, GA	Randolph County, GA
Rome City, GA	Floyd County, GA
Schley County, GA	Schley County, GA
Screven County, GA	Screven County, GA
Spalding County, GA	Spalding County, GA
Statesboro City, GA	Bulloch County, GA
Stewart County, GA	Stewart County, GA
Sumter County, GA	Sumter County, GA
Taliaferro County, GA	Taliaferro County, GA
Taylor County, GA	Taylor County, GA
Telfair County, GA	Telfair County, GA
Treutlen County, GA	Treutlen County, GA
Turner County, GA	Turner County, GA
Upson County, GA	Upson County, GA
Warren County, GA	Warren County, GA
Washington County, GA	Washington County, GA
Wayne County, GA	Wayne County, GA
Wilcox County, GA	Wilcox County, GA
Wilkes County, GA	Wilkes County, GA
Idaho	
Adams County, ID	Adams County, ID
Benewah County, ID	Benewah County, ID
Boundary County, ID	Boundary County, ID
Clearwater County, ID	Clearwater County, ID
Shoshone County, ID	Shoshone County, ID
Valley County, ID	Valley County, ID

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Illinois	
Alexander County, IL	Alexander County, IL
Alton City, IL	Madison County, IL
Balance of Boone County, IL	Boone County, IL
Balance of Kankakee County, IL	Kankakee County, IL
Balance of Vermilion County, IL	Vermilion County, IL
Balance of Winnebago County, IL	Winnebago County, IL
Belleville City, IL	St. Clair County, IL
Belvidere City, IL	Boone County, IL
Berwyn City, IL	Cook County, IL
Calumet City, IL	Cook County, IL
Carpentersville Village, IL	Kane County, IL
Chicago Heights City, IL	Cook County, IL
Cicero Town, IL	Cook County, IL
Clark County, IL	Clark County, IL
Clay County, IL	Clay County, IL
Danville City, IL	Vermilion County, IL
Decatur City, IL	Macon County, IL
Dolton Village, IL	Cook County, IL
East St. Louis City, IL	St. Clair County, IL
Elgin City, IL	Cook County and Kane County, IL
Fayette County, IL	Fayette County, IL
Franklin County, IL	Franklin County, IL
Freeport City, IL	Stephenson County, IL
Fulton County, IL	Fulton County, IL
Gallatin County, IL	Gallatin County, IL
Granite City, IL	Madison County, IL
Grundy County, IL	Grundy County, IL
Hancock County, IL	Hancock County, IL
Hanover Park Village, IL	Cook County and DuPage County, IL
Hardin County, IL	Hardin County, IL
Harvey City, IL	Cook County, IL
Johnson County, IL	Johnson County, IL
Joliet City, IL	Kendall County and Will County, IL
Kankakee City, IL	Kankakee County, IL
Lansing Village, IL	Cook County, IL
LaSalle County, IL	LaSalle County, IL
Macoupin County, IL	Macoupin County, IL
Marion County, IL	Marion County, IL
Mason County, IL	Mason County, IL
Maywood Village, IL	Cook County, IL
Montgomery County, IL	Montgomery County, IL
North Chicago City, IL	Lake County, IL
Ogle County, IL	Ogle County, IL
Park Forest Village, IL	Cook County and Will County, IL
Pekin City, IL	Tazewell County, IL
Perry County, IL	Perry County, IL
Pope County, IL	Pope County, IL
Pulaski County, IL	Pulaski County, IL
Putnam County, IL	Putnam County, IL
Rockford City, IL	Winnebago County, IL
Round Lake Beach Village, IL	Lake County, IL
Saline County, IL	Saline County, IL
Union County, IL	Union County, IL
Waukegan City, IL	Lake County, IL
Zion City, IL	Lake County, IL
Indiana	
Adams County, IN	Adams County, IN
Anderson City, IN	Madison County, IN
Balance of Elkhart County, IN	Elkhart County, IN
Balance of Howard County, IN	Howard County, IN
Balance of Wayne County, IN	Wayne County, IN
Blackford County, IN	Blackford County, IN
Clay County, IN	Clay County, IN
Crawford County, IN	Crawford County, IN
Decatur County, IN	Decatur County, IN
DeKalb County, IN	DeKalb County, IN
East Chicago City, IN	Lake County, IN

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Elkhart City, IN	Elkhart County, IN
Fayette County, IN	Fayette County, IN
Fulton County, IN	Fulton County, IN
Gary City, IN	Lake County, IN
Goshen City, IN	Elkhart County, IN
Hammond City, IN	Lake County, IN
Henry County, IN	Henry County, IN
Hobart City, IN	Lake County, IN
Huntington County, IN	Huntington County, IN
Jennings County, IN	Jennings County, IN
Kokomo City, IN	Howard County, IN
Kosciusko County, IN	Kosciusko County, IN
LaGrange County, IN	LaGrange County, IN
Lawrence County, IN	Lawrence County, IN
Marion City, IN	Grant County, IN
Marshall County, IN	Marshall County, IN
Miami County, IN	Miami County, IN
Michigan City, IN	LaPorte County, IN
Mishawaka City, IN	St. Joseph County, IN
Noble County, IN	Noble County, IN
Randolph County, IN	Randolph County, IN
Richmond City, IN	Wayne County, IN
Scott County, IN	Scott County, IN
South Bend City, IN	St. Joseph County, IN
Starke County, IN	Starke County, IN
Steuben County, IN	Steuben County, IN
Tipton County, IN	Tipton County, IN
Vermillion County, IN	Vermillion County, IN
Wabash County, IN	Wabash County, IN
Washington County, IN	Washington County, IN
Whitley County, IN.	
Whitley County, IN.	
Kansas	
Kansas City, KS	Wyandotte County, KS
Kentucky	
Allen County, KY	Allen County, KY
Balance of Christian County, KY	Christian County, KY
Barren County, KY	Barren County, KY
Bath County, KY	Bath County, KY
Bell County, KY	Bell County, KY
Boyle County, KY	Boyle County, KY
Bracken County, KY	Bracken County, KY
Breckinridge County, KY	Breckinridge County, KY
Butler County, KY	Butler County, KY
Carroll County, KY	Carroll County, KY
Carter County, KY	Carter County, KY
Clay County, KY	Clay County, KY
Cumberland County, KY	Cumberland County, KY
Edmonson County, KY	Edmonson County, KY
Elliott County, KY	Elliott County, KY
Estill County, KY	Estill County, KY
Fleming County, KY	Fleming County, KY
Fulton County, KY	Fulton County, KY
Gallatin County, KY	Gallatin County, KY
Garrard County, KY	Garrard County, KY
Grant County, KY	Grant County, KY
Grayson County, KY	Grayson County, KY
Green County, KY	Green County, KY
Harlan County, KY	Harlan County, KY
Hopkinsville City, KY	Christian County, KY
Jackson County, KY	Jackson County, KY
Knox County, KY	Knox County, KY
Larue County, KY	Larue County, KY
Lawrence County, KY	Lawrence County, KY
Lee County, KY	Lee County, KY
Leslie County, KY	Leslie County, KY
Lewis County, KY	Lewis County, KY

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Lincoln County, KY	Lincoln County, KY
Lyon County, KY	Lyon County, KY
Magoffin County, KY	Magoffin County, KY
Marion County, KY	Marion County, KY
Martin County, KY	Martin County, KY
McCreary County, KY	McCreary County, KY
Meade County, KY	Meade County, KY
Menifee County, KY	Menifee County, KY
Metcalfe County, KY	Metcalfe County, KY
Monroe County, KY	Monroe County, KY
Montgomery County, KY	Montgomery County, KY
Morgan County, KY	Morgan County, KY
Muhlenberg County, KY	Muhlenberg County, KY
Nelson County, KY	Nelson County, KY
Nicholas County, KY	Nicholas County, KY
Owsley County, KY	Owsley County, KY
Pendleton County, KY	Pendleton County, KY
Powell County, KY	Powell County, KY
Rockcastle County, KY	Rockcastle County, KY
Russell County, KY	Russell County, KY
Simpson County, KY	Simpson County, KY
Todd County, KY	Todd County, KY
Trigg County, KY	Trigg County, KY
Trimble County, KY	Trimble County, KY
Union County, KY	Union County, KY
Washington County, KY	Washington County, KY
Wayne County, KY	Wayne County, KY
Whitley County, KY	Whitley County, KY
Wolfe County, KY	Wolfe County, KY
Louisiana	
Concordia Parish, LA	Concordia Parish, LA
East Carroll Parish, LA	East Carroll Parish, LA
Morehouse Parish, LA	Morehouse Parish, LA
St. Helena Parish, LA	St. Helena Parish, LA
Tensas Parish, LA	Tensas Parish, LA
West Carroll Parish, LA	West Carroll Parish, LA
Maryland	
Worcester County, MD	Worcester County, MD
Massachusetts	
Fall River City, MA	Fall River City, MA
Fitchburg City, MA	Fitchburg City, MA
Gardner City, MA	Gardner City, MA
Holyoke City, MA	Holyoke City, MA
Lawrence City, MA	Lawrence City, MA
New Bedford City, MA	New Bedford City, MA
Southbridge Town, MA	Southbridge Town, MA
Springfield City, MA	Springfield City, MA
Michigan	
Alcona County, MI	Alcona County, MI
Alger County, MI	Alger County, MI
Alpena County, MI	Alpena County, MI
Antrim County, MI	Antrim County, MI
Arenac County, MI	Arenac County, MI
Balance of Allegan County, MI	Allegan County, MI
Balance of Bay County, MI	Bay County, MI
Balance of Jackson County, MI	Jackson County, MI
Balance of Macomb County, MI	Macomb County, MI
Balance of Midland County, MI	Midland County, MI
Balance of Monroe County, MI	Monroe County, MI
Balance of Muskegon County, MI	Muskegon County, MI
Balance of Oakland County, MI	Oakland County, MI
Balance of St. Clair County, MI	St. Clair County, MI
Baraga County, MI	Baraga County, MI

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Battle Creek City, MI	Calhoun County, MI
Bay City, MI	Bay County, MI
Bedford Township, (Monroe County), MI	Monroe County, MI
Benzie County, MI	Benzie County, MI
Berrien County, MI	Berrien County, MI
Blackman Charter Township,, MI	Jackson County, MI
Branch County, MI	Branch County, MI
Burton City, MI	Genesee County, MI
Cass County, MI	Cass County, MI
Charlevoix County, MI	Charlevoix County, MI
Cheboygan County, MI	Cheboygan County, MI
Chesterfield Township,, MI	Macomb County, MI
Chippewa County, MI	Chippewa County, MI
Clare County, MI	Clare County, MI
Clinton Charter Township, (Macomb County), MI	Macomb County, MI
Crawford County, MI	Crawford County, MI
Delta County, MI	Delta County, MI
Detroit City, MI	Wayne County, MI
Dickinson County, MI	Dickinson County, MI
East Lansing City, MI	Clinton County and Ingham County, MI
Eastpointe City, MI	Macomb County, MI
Emmet County, MI	Emmet County, MI
Ferndale City, MI	Oakland County, MI
Flint Charter Township,, MI	Genesee County, MI
Flint City, MI	Genesee County, MI
Gladwin County, MI	Gladwin County, MI
Gogebic County, MI	Gogebic County, MI
Grand Rapids City, MI	Kent County, MI
Grand Traverse County, MI	Grand Traverse County, MI
Gratiot County, MI	Gratiot County, MI
Harrison Charter Township,, MI	Macomb County, MI
Highland Park City, MI	Wayne County, MI
Hillsdale County, MI	Hillsdale County, MI
Holland Charter Township, (Ottawa County), MI	Ottawa County, MI
Holland City, MI	Ottawa County and Allegan County, MI
Houghton County, MI	Houghton County, MI
Huron County, MI	Huron County, MI
Inkster City, MI	Wayne County, MI
Ionia County, MI	Ionia County, MI
Iosco County, MI	Iosco County, MI
Iron County, MI	Iron County, MI
Jackson City, MI	Jackson County, MI
Kalamazoo City, MI	Kalamazoo County, MI
Kalkaska County, MI	Kalkaska County, MI
Keweenaw County, MI	Keweenaw County, MI
Lake County, MI	Lake County, MI
Lansing City, MI	Ingham County and Eaton County, MI
Lapeer County, MI	Lapeer County, MI
Lenawee County, MI	Lenawee County, MI
Lincoln Park City, MI	Wayne County, MI
Livingston County, MI	Livingston County, MI
Luce County, MI	Luce County, MI
Mackinac County, MI	Mackinac County, MI
Macomb Township,, MI	Macomb County, MI
Madison Heights City, MI	Oakland County, MI
Manistee County, MI	Manistee County, MI
Mason County, MI	Mason County, MI
Mecosta County, MI	Mecosta County, MI
Menominee County, MI	Menominee County, MI
Missaukee County, MI	Missaukee County, MI
Montcalm County, MI	Montcalm County, MI
Montmorency County, MI	Montmorency County, MI
Mount Morris Township,, MI	Genesee County, MI
Muskegon City, MI	Muskegon County, MI
Newaygo County, MI	Newaygo County, MI
Oak Park City, MI	Oakland County, MI
Oceana County, MI	Oceana County, MI
Ogemaw County, MI	Ogemaw County, MI
Ontonagon County, MI	Ontonagon County, MI
Orion Charter Township,, MI	Oakland County, MI
Osceola County, MI	Osceola County, MI

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Oscoda County, MI	Oscoda County, MI
Otsego County, MI	Otsego County, MI
Pontiac City, MI	Oakland County, MI
Port Huron City, MI	St. Clair County, MI
Presque Isle County, MI	Presque Isle County, MI
Romulus City, MI	Wayne County, MI
Roscommon County, MI	Roscommon County, MI
Roseville City, MI	Macomb County, MI
Saginaw City, MI	Saginaw County, MI
Sanilac County, MI	Sanilac County, MI
Schoolcraft County, MI	Schoolcraft County, MI
Shelby Charter Township (Macomb County), MI	Macomb County, MI
Shiawassee County, MI	Shiawassee County, MI
Southfield City, MI	Oakland County, MI
St. Clair Shores City, MI	Macomb County, MI
St. Joseph County, MI	St. Joseph County, MI
Sterling Heights City, MI	Macomb County, MI
Taylor City, MI	Wayne County, MI
Tuscola County, MI	Tuscola County, MI
Van Buren County, MI	Van Buren County, MI
Warren City, MI	Macomb County, MI
Waterford Charter Township, MI	Oakland County, MI
Wexford County, MI	Wexford County, MI
White Lake Charter Township, MI	Oakland County, MI
Wyandotte City, MI	Wayne County, MI
Wyoming City, MI	Kent County, MI
Minnesota	
Aitkin County, MN	Aitkin County, MN
Cass County, MN	Cass County, MN
Clearwater County, MN	Clearwater County, MN
Itasca County, MN	Itasca County, MN
Kanabec County, MN	Kanabec County, MN
Le Sueur County, MN	Le Sueur County, MN
Mille Lacs County, MN	Mille Lacs County, MN
Morrison County, MN	Morrison County, MN
Pine County, MN	Pine County, MN
Wadena County, MN	Wadena County, MN
Mississippi	
Alcorn County, MS	Alcorn County, MS
Attala County, MS	Attala County, MS
Balance of Washington County, MS	Washington County, MS
Benton County, MS	Benton County, MS
Bolivar County, MS	Bolivar County, MS
Calhoun County, MS	Calhoun County, MS
Carroll County, MS	Carroll County, MS
Chickasaw County, MS	Chickasaw County, MS
Choctaw County, MS	Choctaw County, MS
Claiborne County, MS	Claiborne County, MS
Clarke County, MS	Clarke County, MS
Clay County, MS	Clay County, MS
Coahoma County, MS	Coahoma County, MS
Columbus City, MS	Lowndes County, MS
Franklin County, MS	Franklin County, MS
Greene County, MS	Greene County, MS
Greenville City, MS	Washington County, MS
Grenada County, MS	Grenada County, MS
Holmes County, MS	Holmes County, MS
Humphreys County, MS	Humphreys County, MS
Issaquena County, MS	Issaquena County, MS
Itawamba County, MS	Itawamba County, MS
Jefferson County, MS	Jefferson County, MS
Jefferson Davis County, MS	Jefferson Davis County, MS
Kemper County, MS	Kemper County, MS
Lawrence County, MS	Lawrence County, MS
Leflore County, MS	Leflore County, MS
Marshall County, MS	Marshall County, MS
Meridian City, MS	Lauderdale County, MS

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Monroe County, MS	Monroe County, MS
Montgomery County, MS	Montgomery County, MS
Noxubee County, MS	Noxubee County, MS
Panola County, MS	Panola County, MS
Perry County, MS	Perry County, MS
Pontotoc County, MS	Pontotoc County, MS
Prentiss County, MS	Prentiss County, MS
Quitman County, MS	Quitman County, MS
Sharkey County, MS	Sharkey County, MS
Sunflower County, MS	Sunflower County, MS
Tallahatchie County, MS	Tallahatchie County, MS
Tippah County, MS	Tippah County, MS
Tishomingo County, MS	Tishomingo County, MS
Tunica County, MS	Tunica County, MS
Tupelo City, MS	Lee County, MS
Vicksburg City, MS	Warren County, MS
Walthall County, MS	Walthall County, MS
Wayne County, MS	Wayne County, MS
Webster County, MS	Webster County, MS
Wilkinson County, MS	Wilkinson County, MS
Winston County, MS	Winston County, MS
Yalobusha County, MS	Yalobusha County, MS
Yazoo County, MS	Yazoo County, MS
Missouri	
Balance of Jackson County, MO	Jackson County, MO
Barton County, MO	Barton County, MO
Clark County, MO	Clark County, MO
Crawford County, MO	Crawford County, MO
Dallas County, MO	Dallas County, MO
Dunklin County, MO	Dunklin County, MO
Franklin County, MO	Franklin County, MO
Gasconade County, MO	Gasconade County, MO
Hickory County, MO	Hickory County, MO
Laclede County, MO	Laclede County, MO
Lincoln County, MO	Lincoln County, MO
Miller County, MO	Miller County, MO
Monroe County, MO	Monroe County, MO
Montgomery County, MO	Montgomery County, MO
Morgan County, MO	Morgan County, MO
Pemiscot County, MO	Pemiscot County, MO
Reynolds County, MO	Reynolds County, MO
Shannon County, MO	Shannon County, MO
St. Francois County, MO	St. Francois County, MO
St. Louis City, MO	St. Louis City, MO
Stone County, MO	Stone County, MO
Taney County, MO	Taney County, MO
Warren County, MO	Warren County, MO
Washington County, MO	Washington County, MO
Montana	
Lincoln County, MT	Lincoln County, MT
Sanders County, MT	Sanders County, MT
Nevada	
Balance of Clark County, NV	Clark County, NV
Balance of Washoe County, NV	Washoe County, NV
Carson City, NV	Carson City, NV
Douglas County, NV	Douglas County, NV
Las Vegas City, NV	Clark County, NV
Lyon County, NV	Lyon County, NV
North Las Vegas City, NV	Clark County, NV
Nye County, NV	Nye County, NV
Sparks City, NV	Washoe County, NV
Storey County, NV	Storey County, NV
New Jersey	
Atlantic City, NJ	Atlantic County, NJ

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Balance of Atlantic County, NJ	Atlantic County, NJ
Balance of Cumberland County, NJ	Cumberland County, NJ
Bayonne City, NJ	Hudson County, NJ
Berkeley Township, NJ	Ocean County, NJ
Camden City, NJ	Camden County, NJ
Cape May County, NJ	Cape May County, NJ
East Orange City, NJ	Essex County, NJ
Elizabeth City, NJ	Union County, NJ
Garfield City, NJ	Bergen County, NJ
Irvington Township, NJ	Essex County, NJ
Kearny Town, NJ	Hudson County, NJ
Manchester Township, NJ	Ocean County, NJ
Millville City, NJ	Cumberland County, NJ
Neptune Township,, NJ	Monmouth County, NJ
Newark City, NJ	Essex County, NJ
North Bergen Township, NJ	Hudson County, NJ
Passaic City, NJ	Passaic County, NJ
Paterson City, NJ	Passaic County, NJ
Pennsauken Township, NJ	Camden County, NJ
Perth Amboy City, NJ	Middlesex County, NJ
Plainfield City, NJ	Union County, NJ
Trenton City, NJ	Mercer County, NJ
Union City, NJ	Hudson County, NJ
Vineland City, NJ	Cumberland County, NJ
West New York Town, NJ	Hudson County, NJ
New Mexico	
Balance of Sandoval County, NM	Sandoval County, NM
Luna County, NM	Luna County, NM
Mora County, NM	Mora County, NM
New York	
Bronx County, NY	Bronx County, NY
Newburgh City, NY	Orange County, NY
Niagara Falls City, NY	Niagara County, NY
North Carolina	
Alamance County, NC	Alamance County, NC
Alexander County, NC	Alexander County, NC
Alleghany County, NC	Alleghany County, NC
Anson County, NC	Anson County, NC
Ashe County, NC	Ashe County, NC
Balance of Burke County, NC	Burke County, NC
Balance of Cabarrus County, NC	Cabarrus County, NC
Balance of Caldwell County, NC	Caldwell County, NC
Balance of Catawba County, NC	Catawba County, NC
Balance of Cumberland County, NC	Cumberland County, NC
Balance of Davidson County, NC	Davidson County, NC
Balance of Edgecombe County, NC	Edgecombe County, NC
Balance of Gaston County, NC	Gaston County, NC
Balance of Guilford County, NC	Guilford County, NC
Balance of Iredell County, NC	Iredell County, NC
Balance of Lee County, NC	Lee County, NC
Balance of Mecklenburg County, NC	Mecklenburg County, NC
Balance of Nash County, NC	Nash County, NC
Balance of Pitt County, NC	Pitt County, NC
Balance of Rowan County, NC	Rowan County, NC
Balance of Wilson County, NC	Wilson County, NC
Beaufort County, NC	Beaufort County, NC
Bertie County, NC	Bertie County, NC
Bladen County, NC	Bladen County, NC
Caswell County, NC	Caswell County, NC
Cherokee County, NC	Cherokee County, NC
Chowan County, NC	Chowan County, NC
Cleveland County, NC	Cleveland County, NC
Columbus County, NC	Columbus County, NC
Edgecombe County, NC	Edgecombe County, NC
Gastonia City, NC	Gaston County, NC

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Graham County, NC	Graham County, NC
Halifax County, NC	Halifax County, NC
Hickory City, NC	Burke County, Caldwell County and Catawba County, NC
Kannapolis City, NC	Cabarrus County and Rowan County, NC
Kinston City, NC	Lenoir County, NC
Lincoln County, NC	Lincoln County, NC
McDowell County, NC	McDowell County, NC
Mitchell County, NC	Mitchell County, NC
Montgomery County, NC	Montgomery County, NC
Northampton County, NC	Northampton County, NC
Person County, NC	Person County, NC
Richmond County, NC	Richmond County, NC
Robeson County, NC	Robeson County, NC
Rockingham County, NC	Rockingham County, NC
Rocky Mount City, NC	Edgecombe County and Nash County, NC
Rutherford County, NC	Rutherford County, NC
Salisbury City, NC	Rowan County, NC
Sanford City, NC	Lee County, NC
Scotland County, NC	Scotland County, NC
Stanly County, NC	Stanly County, NC
Statesville City, NC	Iredell County, NC
Surry County, NC	Surry County, NC
Swain County, NC	Swain County, NC
Thomasville City, NC	Davidson County, NC
Vance County, NC	Vance County, NC
Warren County, NC	Warren County, NC
Washington County, NC	Washington County, NC
Wilkes County, NC	Wilkes County, NC
Wilson City, NC	Wilson County, NC
Yancey County, NC	Yancey County, NC
North Dakota	
Rolette County, ND	Rolette County, ND
Ohio	
Adams County, OH	Adams County, OH
Ashland County, OH	Ashland County, OH
Ashtabula County, OH	Ashtabula County, OH
Balance of Mahoning County, OH	Mahoning County, OH
Balance of Miami County, OH	Miami County, OH
Balance of Muskingum County, OH	Muskingum County, OH
Balance of Richland County, OH	Richland County, OH
Balance of Trumbull County, OH	Trumbull County, OH
Balance of Wood County, OH	Wood County, OH
Barberton City, OH	Summit County, OH
Brown County, OH	Brown County, OH
Canton City, OH	Stark County, OH
Carroll County, OH	Carroll County, OH
Champaign County, OH	Champaign County, OH
Cleveland City, OH	Cuyahoga County, OH
Clinton County, OH	Clinton County, OH
Columbiana County, OH	Columbiana County, OH
Coshocton County, OH	Coshocton County, OH
Crawford County, OH	Crawford County, OH
Dayton City, OH	Montgomery County, OH
Defiance County, OH	Defiance County, OH
East Cleveland City, OH	Cuyahoga County, OH
Fulton County, OH	Fulton County, OH
Garfield Heights City, OH	Cuyahoga County, OH
Guernsey County, OH	Guernsey County, OH
Hardin County, OH	Hardin County, OH
Harrison County, OH	Harrison County, OH
Henry County, OH	Henry County, OH
Highland County, OH	Highland County, OH
Hocking County, OH	Hocking County, OH
Huber Heights City, OH	Miami County, OH
Huron County, OH	Huron County, OH
Jackson County, OH	Jackson County, OH

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Jefferson County, OH	Jefferson County, OH
Lima City, OH	Allen County, OH
Lorain City, OH	Lorain County, OH
Mansfield City, OH	Richland County, OH
Maple Heights City, OH	Cuyahoga County, OH
Marion City, OH	Marion County, OH
Massillon City, OH	Stark County, OH
Meigs County, OH	Meigs County, OH
Middletown City, OH	Butler County and Warren County, OH
Monroe County, OH	Monroe County, OH
Morgan County, OH	Morgan County, OH
Noble County, OH	Noble County, OH
Ottawa County, OH	Ottawa County, OH
Paulding County, OH	Paulding County, OH
Perry County, OH	Perry County, OH
Pike County, OH	Pike County, OH
Preble County, OH	Preble County, OH
Riverside City, OH	Montgomery County, OH
Ross County, OH	Ross County, OH
Sandusky City, OH	Erie County, OH
Sandusky County, OH	Sandusky County, OH
Scioto County, OH	Scioto County, OH
Seneca County, OH	Seneca County, OH
Shelby County, OH	Shelby County, OH
Toledo City, OH	Lucas County, OH
Trotwood City, OH	Montgomery County, OH
Van Wert County, OH	Van Wert County, OH
Vinton County, OH	Vinton County, OH
Warren City, OH	Trumbull County, OH
Williams County, OH	Williams County, OH
Wyandot County, OH	Wyandot County, OH
Xenia City, OH	Greene County, OH
Youngstown City, OH	Mahoning County, OH
Zanesville City, OH	Muskingum County, OH
Oregon	
Albany City, OR	Benton County and Linn County, OR
Balance of Deschutes County, OR	Deschutes County, OR
Balance of Jackson County, OR	Jackson County, OR
Balance of Josephine County, OR	Josephine County, OR
Balance of Lane County, OR	Lane County, OR
Balance of Linn County, OR	Linn County, OR
Balance of Marion County, OR	Marion County, OR
Bend City, OR	Deschutes County, OR
Columbia County, OR	Columbia County, OR
Coos County, OR	Coos County, OR
Crook County, OR	Crook County, OR
Curry County, OR	Curry County, OR
Douglas County, OR	Douglas County, OR
Grant County, OR	Grant County, OR
Grants Pass City, OR	Josephine County, OR
Harney County, OR	Harney County, OR
Jefferson County, OR	Jefferson County, OR
Klamath County, OR	Klamath County, OR
Lake County, OR	Lake County, OR
Malheur County, OR	Malheur County, OR
McMinnville City, OR	Yamhill County, OR
Medford City, OR	Jackson County, OR
Springfield City, OR	Lane County, OR
Union County, OR	Union County, OR
Wallowa County, OR	Wallowa County, OR
Pennsylvania	
Allentown City, PA	Lehigh County, PA
Cameron County, PA	Cameron County, PA
Chester City, PA	Delaware County, PA
Elk County, PA	Elk County, PA
Forest County, PA	Forest County, PA
Fulton County, PA	Fulton County, PA

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Hazleton City, PA	Luzerne County, PA
Mercer County, PA	Mercer County, PA
Potter County, PA	Potter County, PA
Reading City, PA	Berks County, PA
York City, PA	York County, PA
Rhode Island	
Burrillville Town, RI	Burrillville Town, RI
Central Falls City, RI	Central Falls City, RI
Cranston City, RI	Cranston City, RI
East Providence City, RI	East Providence City, RI
Johnston Town, RI	Johnston Town, RI
North Providence Town, RI	North Providence Town, RI
Pawtucket City, RI	Pawtucket City, RI
Providence City, RI	Providence City, RI
West Warwick Town, RI	West Warwick Town, RI
Woonsocket City, RI	Woonsocket City, RI
South Carolina	
Abbeville County, SC	Abbeville County, SC
Aiken City, SC	Aiken County, SC
Allendale County, SC	Allendale County, SC
Anderson City, SC	Anderson County, SC
Balance of Sumter County, SC	Sumter County, SC
Bamberg County, SC	Bamberg County, SC
Barnwell County, SC	Barnwell County, SC
Calhoun County, SC	Calhoun County, SC
Cherokee County, SC	Cherokee County, SC
Chester County, SC	Chester County, SC
Chesterfield County, SC	Chesterfield County, SC
Clarendon County, SC	Clarendon County, SC
Colleton County, SC	Colleton County, SC
Columbia City, SC	Lexington County and Richland County, SC
Darlington County, SC	Darlington County, SC
Dillon County, SC	Dillon County, SC
Fairfield County, SC	Fairfield County, SC
Florence City, SC	Florence County, SC
Georgetown County, SC	Georgetown County, SC
Goose Creek City, SC	Berkeley County, SC
Greenville City, SC	Greenville County, SC
Greenwood County, SC	Greenwood County, SC
Hampton County, SC	Hampton County, SC
Lancaster County, SC	Lancaster County, SC
Laurens County, SC	Laurens County, SC
Lee County, SC	Lee County, SC
Marion County, SC	Marion County, SC
Marlboro County, SC	Marlboro County, SC
McCormick County, SC	McCormick County, SC
Myrtle Beach City, SC	Horry County, SC
Newberry County, SC	Newberry County, SC
North Charleston City, SC	Charleston County and Dorchester County, SC
Oconee County, SC	Oconee County, SC
Orangeburg County, SC	Orangeburg County, SC
Rock Hill City, SC	York County, SC
Spartanburg City, SC	Spartanburg County, SC
Summerville Town, SC	Berkeley County, Charleston County and Dorchester County, SC
Sumter City, SC	Sumter County, SC
Union County, SC	Union County, SC
Williamsburg County, SC	Williamsburg County, SC
South Dakota	
Buffalo County, SD	Buffalo County, SD
Dewey County, SD	Dewey County, SD
Shannon County, SD	Shannon County, SD
Tennessee	
Balance of Maury County, TN	Maury County, TN

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Bedford County, TN	Bedford County, TN
Benton County, TN	Benton County, TN
Bledsoe County, TN	Bledsoe County, TN
Campbell County, TN	Campbell County, TN
Cannon County, TN	Cannon County, TN
Carroll County, TN	Carroll County, TN
Chester County, TN	Chester County, TN
Claiborne County, TN	Claiborne County, TN
Clay County, TN	Clay County, TN
Cocke County, TN	Cocke County, TN
Columbia City, TN	Maury County, TN
Crockett County, TN	Crockett County, TN
Cumberland County, TN	Cumberland County, TN
Decatur County, TN	Decatur County, TN
Dyer County, TN	Dyer County, TN
Fayette County, TN	Fayette County, TN
Fentress County, TN	Fentress County, TN
Gallatin City, TN	Sumner County, TN
Gibson County, TN	Gibson County, TN
Giles County, TN	Giles County, TN
Grainger County, TN	Grainger County, TN
Greene County, TN	Greene County, TN
Grundy County, TN	Grundy County, TN
Hancock County, TN	Hancock County, TN
Hardeman County, TN	Hardeman County, TN
Hardin County, TN	Hardin County, TN
Hawkins County, TN	Hawkins County, TN
Haywood County, TN	Haywood County, TN
Henderson County, TN	Henderson County, TN
Henry County, TN	Henry County, TN
Hickman County, TN	Hickman County, TN
Houston County, TN	Houston County, TN
Humphreys County, TN	Humphreys County, TN
Jackson City, TN	Madison County, TN
Jackson County, TN	Jackson County, TN
Jefferson County, TN	Jefferson County, TN
Johnson County, TN	Johnson County, TN
Lake County, TN	Lake County, TN
Lauderdale County, TN	Lauderdale County, TN
Lawrence County, TN	Lawrence County, TN
Lewis County, TN	Lewis County, TN
Macon County, TN	Macon County, TN
Marion County, TN	Marion County, TN
Marshall County, TN	Marshall County, TN
McMinn County, TN	McMinn County, TN
McNairy County, TN	McNairy County, TN
Meigs County, TN	Meigs County, TN
Memphis City, TN	Shelby County, TN
Monroe County, TN	Monroe County, TN
Morgan County, TN	Morgan County, TN
Morristown City, TN	Hamblen County, TN
Overton County, TN	Overton County, TN
Perry County, TN	Perry County, TN
Pickett County, TN	Pickett County, TN
Polk County, TN	Polk County, TN
Rhea County, TN	Rhea County, TN
Scott County, TN	Scott County, TN
Sequatchie County, TN	Sequatchie County, TN
Smith County, TN	Smith County, TN
Stewart County, TN	Stewart County, TN
Tipton County, TN	Tipton County, TN
Trousdale County, TN	Trousdale County, TN
Unicoi County, TN	Unicoi County, TN
Van Buren County, TN	Van Buren County, TN
Warren County, TN	Warren County, TN
Wayne County, TN	Wayne County, TN
Weakley County, TN	Weakley County, TN
White County, TN	White County, TN

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Texas	
Balance of El Paso County, TX	El Paso County, TX
Balance of Hidalgo County, TX	Hidalgo County, TX
Balance of Maverick County, TX	Maverick County, TX
Balance of Webb County, TX	Webb County, TX
Eagle Pass City, TX	Maverick County, TX
Port Arthur City, TX	Jefferson County, TX
San Juan City, TX	Hidalgo County, TX
Morris County, TX	Morris County, TX
Newton County, TX	Newton County, TX
Presidio County, TX	Presidio County, TX
Sabine County, TX	Sabine County, TX
Starr County, TX	Starr County, TX
Willacy County, TX	Willacy County, TX
Zavala County, TX	Zavala County, TX
Virginia	
Danville City, VA	Danville City, VA
Emporia City, VA	Emporia City, VA
Halifax County, VA	Halifax County, VA
Henry County, VA	Henry County, VA
Martinsville City, VA	Martinsville City, VA
Page County, VA	Page County, VA
Petersburg City, VA	Petersburg City, VA
Williamsburg City, VA	Williamsburg City, VA
Washington	
Clark County, WA	Clark County, WA
Cowlitz County, WA	Cowlitz County, WA
Ferry County, WA	Ferry County, WA
Grays Harbor County, WA	Grays Harbor County, WA
Lewis County, WA	Lewis County, WA
Pacific County, WA	Pacific County, WA
Pend Oreille County, WA	Pend Oreille County, WA
Skamania County, WA	Skamania County, WA
Stevens County, WA	Stevens County, WA
Wahkiakum County, WA	Wahkiakum County, WA
West Virginia	
Calhoun County, WV	Calhoun County, WV
Mason County, WV	Mason County, WV
Pocahontas County, WV	Pocahontas County, WV
Roane County, WV	Roane County, WV
Wetzel County, WV	Wetzel County, WV
Wirt County, WV	Wirt County, WV
Wisconsin	
Beloit City, WI	Rock County, WI
Green Bay City, WI	Brown County, WI
Iron County, WI	Iron County, WI
Janesville City, WI	Rock County, WI
Menominee County, WI	Menominee County, WI
Racine City, WI	Racine County, WI
Rusk County, WI	Rusk County, WI
West Bend City, WI	Washington County, WI
Puerto Rico	
Adjuntas Municipio, PR	Adjuntas Municipio, PR
Aguada Municipio, PR	Aguada Municipio, PR
Aguadilla Municipio, PR	Aguadilla Municipio, PR
Aguas Buenas Municipio, PR	Aguas Buenas Municipio, PR
Aibonito Municipio, PR	Aibonito Municipio, PR
Anasco Municipio, PR	Anasco Municipio, PR
Arecibo Municipio, PR	Arecibo Municipio, PR
Arroyo Municipio, PR	Arroyo Municipio, PR

LABOR SURPLUS AREAS—Continued

[October 1, 2010 through September 30, 2011]

Eligible labor surplus areas	Civil jurisdictions included
Barceloneta Municipio, PR	Barceloneta Municipio, PR
Barranquitas Municipio, PR	Barranquitas Municipio, PR
Bayamon Municipio, PR	Bayamon Municipio, PR
Cabo Rojo Municipio, PR	Cabo Rojo Municipio, PR
Caguas Municipio, PR	Caguas Municipio, PR
Camuy Municipio, PR	Camuy Municipio, PR
Canovanas Municipio, PR	Canovanas Municipio, PR
Carolina Municipio, PR	Carolina Municipio, PR
Catano Municipio, PR	Catano Municipio, PR
Cayey Municipio, PR	Cayey Municipio, PR
Ceiba Municipio, PR	Ceiba Municipio, PR
Ciales Municipio, PR	Ciales Municipio, PR
Cidra Municipio, PR	Cidra Municipio, PR
Coamo Municipio, PR	Coamo Municipio, PR
Comerio Municipio, PR	Comerio Municipio, PR
Corozal Municipio, PR	Corozal Municipio, PR
Dorado Municipio, PR	Dorado Municipio, PR
Fajardo Municipio, PR	Fajardo Municipio, PR
Florida Municipio, PR	Florida Municipio, PR
Guanica Municipio, PR	Guanica Municipio, PR
Guayama Municipio, PR	Guayama Municipio, PR
Guayanilla Municipio, PR	Guayanilla Municipio, PR
Gurabo Municipio, PR	Gurabo Municipio, PR
Hatillo Municipio, PR	Hatillo Municipio, PR
Hormigueros Municipio, PR	Hormigueros Municipio, PR
Humacao Municipio, PR	Humacao Municipio, PR
Isabela Municipio, PR	Isabela Municipio, PR
Jayuya Municipio, PR	Jayuya Municipio, PR
Juana Diaz Municipio, PR	Juana Diaz Municipio, PR
Juncos Municipio, PR	Juncos Municipio, PR
Lajas Municipio, PR	Lajas Municipio, PR
Lares Municipio, PR	Lares Municipio, PR
Las Marias Municipio, PR	Las Marias Municipio, PR
Las Piedras Municipio, PR	Las Piedras Municipio, PR
Loiza Municipio, PR	Loiza Municipio, PR
Luquillo Municipio, PR	Luquillo Municipio, PR
Manati Municipio, PR	Manati Municipio, PR
Maricao Municipio, PR	Maricao Municipio, PR
Maunabo Municipio, PR	Maunabo Municipio, PR
Mayaguez Municipio, PR	Mayaguez Municipio, PR
Moca Municipio, PR	Moca Municipio, PR
Morovis Municipio, PR	Morovis Municipio, PR
Naguabo Municipio, PR	Naguabo Municipio, PR
Naranjito Municipio, PR	Naranjito Municipio, PR
Orocovis Municipio, PR	Orocovis Municipio, PR
Patillas Municipio, PR	Patillas Municipio, PR
Penuelas Municipio, PR	Penuelas Municipio, PR
Ponce Municipio, PR	Ponce Municipio, PR
Quebradillas Municipio, PR	Quebradillas Municipio, PR
Rincon Municipio, PR	Rincon Municipio, PR
Rio Grande Municipio, PR	Rio Grande Municipio, PR
Sabana Grande Municipio, PR	Sabana Grande Municipio, PR
Salinas Municipio, PR	Salinas Municipio, PR
San German Municipio, PR	San German Municipio, PR
San Juan Municipio, PR	San Juan Municipio, PR
San Lorenzo Municipio, PR	San Lorenzo Municipio, PR
San Sebastian Municipio, PR	San Sebastian Municipio, PR
Santa Isabel Municipio, PR	Santa Isabel Municipio, PR
Toa Alta Municipio, PR	Toa Alta Municipio, PR
Toa Baja Municipio, PR	Toa Baja Municipio, PR
Utuado Municipio, PR	Utuado Municipio, PR
Vega Alta Municipio, PR	Vega Alta Municipio, PR
Vega Baja Municipio, PR	Vega Baja Municipio, PR
Vieques Municipio, PR	Vieques Municipio, PR
Villalba Municipio, PR	Villalba Municipio, PR
Yabucoa Municipio, PR	Yabucoa Municipio, PR
Yauco Municipio, PR	Yauco Municipio, PR

[FR Doc. 2010–25565 Filed 10–8–10; 8:45 am]
BILLING CODE 4510–FT–P

MERIT SYSTEMS PROTECTION BOARD

Oral Argument

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the scheduling of oral argument in the matters of: *Hyginus U. Aguzie* v. *Office of Personnel Management,* MSPB Docket Number DC–0731–09–0261–R–1; *Jenee Ella Hunt-O'Neal* v. *Office of Personnel Management,* MSPB Docket Number AT–0731–09–0240–I–1; *James A. Scott* v. *Office of Personnel Management,* MSPB Docket Number CH–0731–09–0578–I–1; and *Holley C. Barnes* v. *Office of Personnel Management,* MSPB Docket Number DC–0731–09–0260–R–1.

Date and Time: Monday, October 18, 2010, at 10 a.m.

Place: The United States Court of Appeals for the Federal Circuit, Room 201, 717 Madison Place, NW., Washington DC.

Status: Open.

FOR FURTHER INFORMATION CONTACT: Matthew Shannon, Merit Systems Protection Board, Office of the Clerk of the Board, 1615 M Street, NW., Washington, DC 20419; (202) 653–7200; *mspb@mspb.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 5 CFR 1201.117(a)(2), the Merit Systems Protection Board ("MSPB" or "Board") will hear oral argument in the matters of *Hyginus U. Aguzie* v. *Office of Personnel Management,* MSPB Docket Number DC–0731–09–0261–R–1; *Jenee Ella Hunt-O'Neal* v. *Office of Personnel Management,* MSPB Docket Number AT–0731–09–0240–I–1; *James A. Scott* v. *Office of Personnel Management,* MSPB Docket Number CH–0731–09–0578–I–1; and *Holley C. Barnes* v. *Office of Personnel Management,* MSPB Docket Number DC–0731–09–0260–R–1. *Aguzie, et al.* raise the question of whether, when the Office of Personnel Management (OPM) directs an agency to separate a tenured employee for suitability reasons, the Board must consider a subsequent appeal under 5 CFR part 731 as contemplated therein, or should the Board instead consider the appeal under 5 U.S.C. chapter 75, given that the scope of a chapter 75 appeal is broader than a part 731 appeal and that OPM generally lacks authority to issue regulations limiting statutory rights. The Board invited amicus curiae to submit briefs in these matters, *see* 75 FR 20007, Apr. 16, 2010; 75 FR 29366, May 25, 2010, and provided the amici curiae with an opportunity to request permission to present oral argument. The briefs submitted by the parties and the amici curiae are available for viewing on the MSPB's Web site at *http://www.mspb.gov/oralarguments/.* A recording of the oral argument will also be made available on the MSPB's Web site. The public is welcome to attend this hearing for the sole purpose of observation. Persons with disabilities who require reasonable accommodation to participate in this event should direct the request to the MSPB Director of Equal Employment Opportunity at (202) 653–6772 ext. 1194 or V/TDD 1–800–877–8339 (Federal Relay Service). All requests should be made at least one week in advance.

William D. Spencer,

Clerk of the Board.

[FR Doc. 2010–25552 Filed 10–8–10; 8:45 am]
BILLING CODE 7400–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (10–121)]

Performance Review Board, Senior Executive Service (SES)

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Membership of SES Performance Review Board.

SUMMARY: The Civil Service Reform Act of 1978, Public Law 95–454 (Section 405) requires that appointments of individual members to a Performance Review Board (PRB) be published in the **Federal Register**.

The performance review function for the SES in NASA is being performed by the NASA PRB and the NASA Senior Executive Committee. The latter performs this function for senior executives who report directly to the Administrator or the Deputy Administrator and members of the PRB. The following individuals are serving on the Board and the Committee:

Performance Review Board

Chairperson, Chief of Staff, NASA Headquarters;
Executive Secretary, Director, Workforce Management and Development Division, NASA Headquarters;
Associate Administrator, NASA Headquarters;
Associate Deputy Administrator, NASA Headquarters;
Associate Administrator for Exploration Systems Mission Directorate, NASA Headquarters;
Associate Administrator for Space Operations Mission Directorate, NASA Headquarters;
Associate Administrator for Science Mission Directorate, NASA Headquarters;
Associate Administrator for Aeronautics Research Mission Directorate, NASA Headquarters;
Associate Administrator for Mission Support Directorate, NASA Headquarters;
Associate Administrator for Diversity and Equal Opportunity, NASA Headquarters;
Assistant Administrator for Human Capital Management, NASA Headquarters;
Chief Engineer, NASA Headquarters;
General Counsel, NASA Headquarters;
Chief Technologist, NASA Headquarters;
Chief Scientist, NASA Headquarters;
Chief Information Officer, NASA Headquarters;
Chief, Safety and Mission Assurance, NASA Headquarters;
Director, Ames Research Center;
Director, Dryden Flight Research Center;
Director, Glenn Research Center ;
Director, Goddard Space Flight Center;
Director, Johnson Space Center;
Director, Kennedy Space Center;
Director, Langley Research Center;
Director, Marshall Space Flight Center;
Director, Stennis Space Center.

Senior Executive Committee

Chairperson, Deputy Administrator, NASA Headquarters;
Chair, Executive Resources Board, NASA Headquarters;
Chair, NASA Performance Review Board, NASA Headquarters;
Associate Administrator, NASA Headquarters;
Associate Deputy Administrator, NASA Headquarters;
Chief Information Officer, NASA Headquarters.

Charles F. Bolden, Jr.,

Administrator.

[FR Doc. 2010–25471 Filed 10–8–10; 8:45 am]
BILLING CODE P

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering (CEOSE); 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: Committee on Equal Opportunities in Science and Engineering (1173).

Dates/Time: October 25, 2010, 8:30 a.m.–5:30 p.m., October 26, 2010, 8:30 a.m.–2 p.m.

Place: National Science Foundation (NSF), 4201 Wilson Boulevard, Arlington, VA 22230.

To help facilitate your access into the building, please contact the individual listed below prior to the meeting so that a visitor's badge may be prepared for you in advance.

Type of Meeting: Open.

Contact Person: Dr. Margaret E.M. Tolbert, Senior Advisor and CEOSE Executive Liaison, Office of Integrative Activities, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Telephone Numbers: (703) 292–4216, 703–292–8040; *mtolbert@nsf.gov.*

Minutes: Minutes may be obtained from the Executive Liaison at the above address or the Web site at *http://www.nsf.gov/od/oia/activities/ceose/index.jsp.*

Purpose of Meeting: To study NSF programs and policies and provide advice and recommendations to the National Science Foundation (NSF) concerning broadening participation in science and engineering.

Agenda

Monday and Tuesday, October 25–26, 2010

Opening Statements by the CEOSE Chairs

Presentations and Discussions:

- ✔ Expanding Minority Participation: America's Science and Technology Talent at the Crossroads
- ✔ Reports from CEOSE Liaisons to NSF Advisory Committees
- ✔ *Progress Report on Correcting the Multi-Race Coding Error in the Survey of Doctorate Recipients*
- ✔ The Process for Filling CEOSE Membership Vacancies
- ✔ Appointment of CEOSE Liaisons to NSF Advisory Committees
- ✔ Establishment of CEOSE *Ad Hoc* Subcommittees
- ✔ An Update on Plans to Establish the Science of Broadening Participation Program
- ✔ A Conversation with the Leader(s) of the National Science Foundation

Dated: October 6, 2010.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2010–25525 Filed 10–8–10; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0308]

Applications and Amendments to Facility Operating Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing sensitive unclassified non-safeguards information (SUNSI).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules, Announcements and Directives Branch (RADB), TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be faxed to the RADB at 301–492–3446. 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.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland, or at *http://www.nrc.gov/reading-rm/doc-collections/cfr/part002/part002–0309.html.* Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic

Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm.html.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through EIE, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or

their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by e-mail at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Non-timely filings will not be entertained absent a determination by the presiding officer that the petition or request should be granted or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr.resource@nrc.gov.*

Calvert Cliffs Nuclear Power Plant, LLC, R. E. Ginna Nuclear Power Plant, LLC, and Nine Mile Point Nuclear Station, LLC, Docket Nos. 50–317, 50–318, 50–244, 50–220, and 50–410, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP), R.E. Ginna Nuclear Power Plant (Ginna), Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMPNS), Calvert County, Maryland, Wayne County, New York, and Oswego County, New York, Respectively

Date of amendment request: July 16, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendments to the Renewed Facility Operating Licenses include: (1) The proposed Cyber Security Plan for CCNPP, Ginna, and NMPNS, (2) an implementation schedule, and (3) a proposed sentence to be added to the existing physical protection license condition for CCNPP, Ginna, and NMPNS requiring the licensee to fully implement and maintain in effect all provisions of the Nuclear Regulatory Commission-approved Cyber Security Plan for CCNPP, Ginna, and NMPNS as required by 10 CFR 73.54. A **Federal Register** notice dated March 27, 2009, issued the final rule that amended 10 CFR Part 73.54. The regulations in 10 CFR 73.54, "Protection of Digital Computer and Communication Systems and Networks," establish the requirements for a cyber security program. This regulation specifically requires each licensee currently licensed to operate a nuclear power plant under Part 50 of this chapter to submit a cyber security plan that satisfies the requirements of the Rule. Each submittal must include a proposed implementation schedule, and implementation of the licensee's cyber security program must be consistent with the approved schedule. The background for this application is addressed by the NRC Notice of Availability, **Federal Register** Notice, Final Rule 10 CFR Part 73, Power Reactor Security Requirements, published on March 27, 2009, 74 FR 13926.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is required by 10 CFR 73.54. The Cyber Security Plan conforms to the template provided in NEI 08–09, Revision 6, with the exception of the definition of cyber attack, and provides a description of how the requirements of the rule will be implemented at CCNPP, NMPNS and Ginna. The plan establishes the basis for the cyber security program for the three stations.

The proposed Cyber Security Plan does not require any plant modifications, alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with certain systems and functions are adequately protected against cyber attacks. This protective function has no impact on the probability or consequences of an accident previously evaluated.

The proposed change to the license condition in the licenses of CCNPP, NMPNS and Ginna adds a sentence to the existing license condition for physical protection to require implementation and maintenance of the Cyber Security Plan. This change is administrative and has no impact on the probability or consequences of an accident previously evaluated.

Therefore, it is concluded that this change to the CCNPP, NMPNS and Ginna license

conditions does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is required by 10 CFR 73.54. The Cyber Security Plan conforms to the template provided in NEI 08–09, Revision 6, with the exception of the definition of cyber attack and provides a description of how the requirements of the rule will be implemented at CCNPP, NMPNS and Ginna. The plan establishes the basis for the cyber security program for the three stations.

The proposed Cyber Security Plan does not require any plant modifications, alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with certain systems and functions are adequately protected against cyber attacks. This protective function has no impact on the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change to the license condition in the licenses of CCNPP, NMPNS and Ginna adds a sentence to the existing license condition for physical protection to require implementation and maintenance of the Cyber Security Plan. This change is administrative and has no impact on the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, it is concluded that this change to the CCNPP, NMPNS and Ginna license conditions does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The margin of safety in this case is that the implementation of the Cyber Security Plan does not adversely affect systems or equipment important to the operation of the plant.

The proposed change is required by 10 CFR 73.54. The Cyber Security Plan conforms to the template provided in NEI 08–09, Revision 6, with the exception of the definition of cyber attack and provides a description of how the requirements of the rule will be implemented at CCNPP, NMPNS and Ginna. The plan establishes the basis for the cyber security program for the three stations.

The plan establishes the basis for the cyber security program for the three stations and does not require any plant modifications, alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with certain systems and functions are adequately protected against cyber attacks. This protective function has no impact on the operation of vital systems or equipment. Therefore, the implementation of the proposed Cyber Security Plan does not involve a significant reduction in a margin of safety.

The proposed change to the license condition in the licenses of CCNPP, NMPNS and Ginna adds a sentence to the existing license condition for physical protection to require implementation and maintenance of the Cyber Security Plan. This change is administrative and does not involve a significant reduction in a margin of safety.

Therefore, the proposed change to the CCNPP, NMPNS and Ginna license conditions and implementation of the proposed Cyber Security Plan do not create a significant reduction in a margin of safety.

Based on the above, we conclude that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of no significant hazards consideration is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Carey Fleming, Sr. Counsel—Nuclear Generation, Constellation Generation Group, LLC, 750 East Pratt Street, 17th floor, Baltimore, MD 21202.

NRC Branch Chief: Nancy L. Salgado.

Carolina Power and Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: July 8, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendments would establish a fleet Cyber Security Plan in conformance with the model Cyber Security Plan contained in Appendix A of Nuclear Energy Institute (NEI) document NEI 08–09, "Cyber Security Plan for Nuclear Power Reactors," Revision 6, dated April 2010, with one deviation regarding the definition of a Cyber Attack as described in the licensees' letter. The license amendment requests include the Cyber Security Plan, proposed changes to the (Renewed) Facility Operating Licenses (FOLs), and a proposed Cyber Security Plan Implementation Schedule for each facility. The proposed fleet Cyber Security Plan was submitted in accordance with Title 10 of the *Code of Federal Regulations,* Section 73.54, "Protection of digital computer and communication systems and networks."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees provided their analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1: The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change incorporates a new requirement, in the FOL, to implement and maintain a Cyber Security Plan as part of the facility's overall program for physical protection. The Cyber Security Plan itself does not require any plant modifications. Rather, the Cyber Security Plan describes how the requirements of 10 CFR 73.54 are implemented in order to identify, evaluate, and mitigate cyber attacks up to and including the design basis threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The proposed change requiring the implementation and maintenance of a Cyber Security Plan does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any accident initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected; therefore, the inclusion of the Cyber Security Plan as a part of the facility's other physical protection programs specified in the FOL has no impact on the probability or consequences of an accident previously evaluated.

Criterion 2: The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated.

The proposed change incorporates a new requirement, in the FOL, to implement and maintain a Cyber Security Plan as part of the facility's overall program for physical protection. The creation of the possibility of a new or different kind of accident requires creating one or more new accident precursors. New accident precursors may be created by modifications of the plant's configuration, including changes in the

allowable modes of operation. The Cyber Security Plan itself does not require any plant modifications, nor does the Cyber Security Plan affect the control parameters governing unit operation or the response of plant equipment to a transient condition. Because the proposed change does not change or introduce any new equipment, modes of system operation, or failure mechanisms, no new accident precursors are created. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3: The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change incorporates a new requirement, in the FOL, to implement and maintain a Cyber Security Plan as part of the facility's overall program for physical protection. Plant safety margins are established through Limiting Conditions for Operation, Limiting Safety System Settings and Safety Limits specified in the Technical Specifications. Because the Cyber Security Plan does not require any plant modifications and does not alter the operation of plant equipment, the proposed change does not change established safety margins. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: David T. Conley, Associate General Counsel II—Legal Department, Progress Energy Service Company, LLC, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Branch Chief: Douglas A. Broaddus.

Entergy Gulf States Louisiana, LLC, and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: July 22, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would approve the River Bend Station (RBS) Cyber Security Plan, in accordance with 10 CFR 73.54. In addition, the amendment would revise the RBS facility operating license to add a sentence to require the licensee to fully implement and maintain in effect all provisions of the Commission-approved RBS Cyber Security Plan. The proposed change is consistent with Nuclear Energy Institute (NEI) 08–09, Revision 6, "Cyber Security Plan for Nuclear Power Reactors."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for River Bend Station (RBS). The RBS Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The RBS Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The RBS Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for RBS. The RBS Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The RBS Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The RBS Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for RBS. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to these established safety margins, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Counsel—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Michael T. Markley.

Entergy Nuclear Operations, Inc., Docket Nos. 50–003, 50–247, and 50–286, Indian Point Nuclear Generating Unit Nos. 1, 2, and 3, Westchester County, New York

Date of amendment request: July 8, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment to the Facility Operating Licenses (FOLs) includes: (1) The proposed Cyber Security Plan, (2) an implementation schedule, and (3) a proposed statement to be added to the existing FOL Physical Protection license conditions requiring Entergy to fully implement and maintain in effect all provisions of the Commission-approved Cyber Security Plan as required by 10 CFR 73.54. The **Federal Register** notice dated March 27, 2009, issued the final rule that amended 10 CFR Part 73. The regulations in 10 CFR 73.54, "Protection

of digital computer and communication systems and networks," establish the requirements for a cyber security program. This regulation specifically requires each licensee currently licensed to operate a nuclear power plant under Part 50 of this chapter to submit a cyber security plan that satisfies the requirements of the Rule. Each submittal must include a proposed implementation schedule, and implementation of the licensee's cyber security program must be consistent with the approved schedule. The background for this application is addressed by the NRC Notice of Availability, **Federal Register** Notice, Final Rule 10 CFR Part 73, Power Reactor Security Requirements, published on March 27, 2009, 74 FR 13926.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Indian Point Nuclear Generating Unit Nos. 1, 2, and 3. The Indian Point Energy Center (IPEC) Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The IPEC Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The IPEC Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Indian Point Nuclear Generating Unit Nos. 1, 2, and 3. The IPEC Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The IPEC Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The IPEC Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Indian Point Nuclear Generating Unit Nos. 1, 2, and 3. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to these established safety margins as [a] result of the implementation of the IPEC Cyber Security Plan, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Nancy L. Salgado.

Entergy Operations, Inc., Docket No. 50–313 and 50–368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Date of amendment request: July 9, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would approve the Arkansas Nuclear One (ANO), Units 1 and 2 cyber security plan and associated implementation schedule, and revise the physical protection license condition to require the licensee to fully implement and maintain in effect all provisions of the NRC-approved Cyber Security Plan. The proposed change is consistent with Nuclear Energy Institute (NEI) 08–09, Revision 6, "Cyber Security Plan for Nuclear Power Reactors."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Arkansas Nuclear One (ANO), Units 1 and 2. The ANO Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The ANO Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The ANO Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As required by 10 CFR 73.54[,] Entergy has submitted a cyber security plan for NRC

review and approval for ANO. The ANO Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The ANO Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The ANO Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

As required by 10 CFR 73.54[,] Entergy has submitted a cyber security plan for NRC review and approval for ANO. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to these established safety margins as result of the implementation of the ANO Cyber Security Plan, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Assistant General Counsel—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Michael T. Markley.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 15, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would approve the Waterford Steam Electric Station, Unit 3 (Waterford 3) cyber security plan and associated implementation schedule, and revise the physical protection license condition to require the licensee to fully implement and maintain in effect all provisions of the NRC-approved Cyber Security Plan. The proposed change is consistent with Nuclear Energy Institute (NEI) 08–09, Revision 6, "Cyber Security Plan for Nuclear Power Reactors."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As required by 10 CFR 73.54[,] Entergy has submitted a cyber security plan for NRC review and approval for Waterford 3. The Waterford 3 Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The Waterford 3 Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The Waterford 3 Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for physical protection. Both of these changes are administrative in nature and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As required by 10 CFR 73.54[,] Entergy has submitted a cyber security plan for NRC review and approval for Waterford 3. The Waterford 3 Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The Waterford 3 Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The Waterford 3 Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for physical protection. Both of these changes are administrative in nature and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

As required by 10 CFR 73.54[,] Entergy has submitted a cyber security plan for NRC review and approval for Waterford 3. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to these established safety margins as result of the implementation of the Waterford 3 Cyber Security Plan, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for physical protection. Both of these changes are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Assistant General Counsel—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Michael T. Markley.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of amendment request: July 22, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment to the Renewed Facility Operating License (FOL) includes: (1) The proposed Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and 2) Cyber Security Plan, (2) an implementation schedule, and (3) a proposed sentence to be added to the existing renewed FOL Physical Protection license condition for BVPS–1 and 2 requiring FirstEnergy Nuclear Operating Company (FENOC, the licensee) to fully implement and maintain in effect all provisions of the Commission-approved BVPS–1 and 2 Cyber Security Plan as required by Section 73.54 of Part 73 of Title 10 of the *Code of Federal Regulations* (10 CFR). **Federal Register** notice dated March 27, 2009, issued the final rule that amended 10 CFR Part 73. The regulations in 10 CFR 73.54, "Protection of digital computer and communication systems and networks," establish the requirements for a cyber security program. This regulation specifically requires each licensee currently licensed to operate a nuclear power plant under Part 50 of this chapter to submit a cyber security plan that satisfies the requirements of the Rule. Each submittal must include a proposed implementation schedule and implementation of the licensee's cyber security program must be consistent with the approved schedule. The background for this application is addressed by the Nuclear Regulatory Commission (NRC) Notice of Availability, **Federal Register** Notice, Final Rule 10 CFR Part 73, Power Reactor Security Requirements, published on March 27, 2009 (74 FR 13926).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1: The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change is required by 10 CFR 73.54 and includes three parts. The first part is the submittal of the Plan for NRC review and approval. The Plan provides a description of how the requirements of the rule will be implemented at the BVPS Unit Nos. 1 and 2. The Plan establishes the licensing basis for the FENOC cyber security program for the BVPS Unit Nos. 1 and 2. The Plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with the following are adequately protected against cyber attacks up to and including the design basis threat:

1. Safety-related and important-to-safety functions,
2. Security functions,
3. Emergency preparedness functions including offsite communications, and
4. Support systems and equipment which if compromised, would adversely impact safety, security, or emergency preparedness functions.

Part one of the proposed change is designed to achieve high assurance that the systems are protected from cyber attacks. The Plan itself does not require any plant modifications. However, the Plan does describe how plant modifications which involve digital computer systems are reviewed to provide high assurance of adequate protection against cyber attacks, up to and including the design basis threat as defined in the rule. The proposed change does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, affect the function of plant systems, or affect the manner in which systems are operated. The first part of the proposed change is designed to achieve high assurance that the systems within the scope of the rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule. The third part adds a sentence to the existing FOL license condition 2.D for BVPS Unit No. 1 and 2.E for BVPS Unit No. 2 for Physical Protection. Both of these changes are administrative and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2: The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed change is required by 10 CFR 73.54 and includes three parts. The first part is the submittal of the Plan for NRC review and approval. The Plan provides a description of how the requirements of the rule will be implemented at the BVPS Unit Nos. 1 and 2. The Plan establishes the licensing basis for the FENOC cyber security program for the BVPS Unit Nos. 1 and 2. The Plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with the following are adequately protected against cyber attacks up to and including the design basis threat:

1. Safety-related and important-to-safety functions,
2. Security functions,
3. Emergency preparedness functions including offsite communications, and
4. Support systems and equipment which if compromised, would adversely impact safety, security, or emergency preparedness functions.

Part one of the proposed change is designed to achieve high assurance that the systems within the scope of the rule are protected from cyber attacks. The Plan itself does not require any plant modifications. However, the Plan does describe how plant modifications which involve digital computer systems are reviewed to provide high assurance of adequate protection against cyber attacks, up to and including the design basis threat defined in the rule. The proposed change does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, affect the function of plant systems, or affect the manner in which systems are operated. The first part of the proposed change is designed to achieve high assurance that the systems within the scope of the rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any previously evaluated.

The second part of the proposed change is an implementation schedule. The third part adds a sentence to the existing FOL license condition 2.D for BVPS Unit No. 1 and 2.E for BVPS Unit No. 2 for Physical Protection. Both of these changes are administrative and do not create the possibility of a new or different kind of accident from any previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change is required by 10 CFR 73.54 and includes three parts. The first part is the submittal of the Plan for NRC review and approval. The Plan provides a description of how the requirements of the rule will be implemented at the BVPS Unit Nos. 1 and 2. The Plan establishes the licensing basis for the FENOC cyber security program for the BVPS Unit Nos. 1 and 2. The Plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with the following are adequately protected against cyber attacks up to and including the design basis threat:

1. Safety-related and important-to-safety functions,
2. Security functions,
3. Emergency preparedness functions including offsite communications, and
4. Support systems and equipment which if compromised, would adversely impact safety, security, or emergency preparedness functions.

Part one of the proposed change is designed to achieve high assurance that the systems within the scope of the rule are protected from cyber attacks. Plant safety

margins are established through Limiting Conditions for Operation, Limiting Safety System Settings and Safety Limits specified in the Technical Specifications, methods of evaluation that establish design basis or change Updated Final Safety Analysis. Because there is no change to these established safety margins, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule. The third part adds a sentence to the existing FOL license condition 2.D for BVPS Unit No. 1 and 2.E for BVPS Unit No. 2 for Physical Protection. Both of these changes are administrative and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, FirstEnergy Nuclear Operating Company, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: Nancy L. Salgado.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: August 2, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment includes three parts: The proposed Plan, an Implementation Schedule, and a proposed sentence to be added to the existing renewed facility operating licenses (FOL) Physical Protection license condition to require Florida Power and Light Company to fully implement and maintain in effect all provisions of the Commission approved cyber security plan as required by amended 10 CFR Part 73. The proposed Cyber Security Plan was submitted in accordance with Title 10 of the *Code of Federal Regulations,* Section 73.54, "Protection of digital computer and communication systems and networks."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees provided their analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment incorporates a new requirement in the Facility Operating License to implement and maintain a Cyber Security Plan as part of the facility's overall program for physical protection. Inclusion of the Cyber Security Plan in the Facility Operating License itself does not involve any modifications to the safety-related structures, systems or components (SSCs). Rather, the Cyber Security Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The Cyber Security Plan will not alter previously evaluated Final Safety Analysis Report (FSAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment provides assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a plan in the Facility Operating License do not result in the need for any new or different FSAR design basis accident analysis, and no new equipment failure modes are created. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment.

Therefore, the proposed amendment does not create a possibility for an accident of a new or different type than those previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way any safety-related SSC functions and would not alter the way the plant is operated. The amendment provides assurance that safety-related SSCs are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Branch Chief: Douglas A. Broaddus.

Indiana Michigan Power Company, Docket No. 50–315 and 50–316, Donald C. Cook Nuclear Plant (CNP), Units 1 and 2, Berrien County, Michigan

Date of amendment request: July 20, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The licensee proposed an amendment to the Renewed Facility Operating Licenses for DCCNP1&2. The licensee requested NRC approval of the CNP Cyber Security Plan, provided a proposed implementation schedule, and proposed to add a sentence to License Condition 2.D, "Physical Protection," of CNP's Renewed Facility Operating Licenses DPR–58 and DPR–74, respectively, to read as follows: "Indiana Michigan Power Company shall fully implement and maintain in effect all provisions of the Commission-approved Donald C. Cook Nuclear Plant Cyber Security Plan submitted by letter dated July 19, 2010, and withheld from public disclosure in accordance with 10 CFR 2.390."

Basis for proposed no significant hazards consideration determination: As required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (NSHC). The NRC staff has performed its own, which is set forth below:

(1) Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment incorporates new requirements in the Renewed Facility Operating Licenses to implement and maintain a Cyber Security Plan (Plan) as part

of the facilities' overall program for physical protection. Inclusion of the Plan in the Renewed FOLs itself does not involve any modifications to the safety-related structures, systems or components (SSCs). Rather, the Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design-basis cyber attack threat, thereby achieving high assurance that the facilities' digital computer and communications systems and networks are protected from cyber attacks. The Plan and any plant modifications will not alter previously evaluated Updated Final Safety Analysis Report (UFSAR) design-basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment provides assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a Plan in the Renewed FOLs do not result in the need of any new or different USAR design-basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of these proposed amendments. Therefore, the proposed amendment does not create a possibility for an accident of a new or different type than those previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way any safety-related SSC functions and would not alter the way the units are operated. This amendment provides assurance that safety-related SSCs are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on the NRC staff's own analysis, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Attorney for licensee: James M. Petro, Jr., Senior Nuclear Counsel, Indiana Michigan Power Company, One Cook Place, Bridgman, MI 49106.

NRC Branch Chief: Robert J. Pascarelli.

Luminant Generation Company LLC,, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant, Units 1 and 2, Somervell County, Texas

Date of amendment request: July 15, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would approve the Cyber Security Plan for Comanche Peak Nuclear Power Plant (CPNPP), Units 1 and 2, in accordance with 10 CFR Section 73.54. In addition, the amendment would revise Renewed Facility Operating License Nos. NPF–87 and NPF–89 for Units 1 and 2, respectively, to add a sentence to the existing Physical Protection license condition to require CPNPP to fully implement and maintain in effect all provisions of the Commission-approved Cyber Security Plan. The proposed change is consistent with Nuclear Energy Institute (NEI) 08–09, Revision 6, "Cyber Security Plan for Nuclear Power Reactors."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment incorporates a new requirement in the Facility Operating License (FOL) to implement and maintain a Cyber Security Plan as part of the facility's overall program for physical protection. Inclusion of the Cyber Security Plan in the FOL itself does not involve any modifications to the safety-related structures, systems or components (SSCs). Rather, the Cyber Security Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The addition of the Cyber Security Plan to the Physical Security Plan will not alter previously evaluated [F]inal Safety Analysis Report (FSAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This proposed amendment provides assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a plan in the FOL do not result in the need of any new or different FSAR design basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way any safety-related SSC functions and would not alter the way the plant is operated. The amendment provides assurance that safety-related SSCs are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Therefore the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Timothy P. Matthews, Esq., Morgan, Lewis and

Bockius, 1800 M Street, NW., Washington, DC 20036.

NRC Branch Chief: Michael T. Markley.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: July 20, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would approve the cyber security plan and implementation schedule, and revise the license condition regarding physical protection to require the licensee to fully implement and maintain in effect all provisions of the NRC-approved cyber security plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment incorporates a new requirement in the FOL [facility operating license] to implement and maintain a Cyber Security Plan as part of the facility's overall program for physical protection. Inclusion of the Plan in the FOL itself does not involve any modifications to safety-related structures, systems or components (SSCs). Rather, the Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis threat, thereby achieving a high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The Plan and any associated plant modifications will not alter previously evaluated design basis accident analysis assumptions, add any accident initiators, or affect the capability of SSCs to perform their design function.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment provides assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a Cyber Security Plan in the FOL do not result in the need for any new or different design basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment.

Therefore, the proposed amendment does not create a possibility for an accident of a new or different type than those previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment will not alter the way any safety-related SSC functions and will not alter the way the plant is operated. The amendment provides assurance that safety-related SSCs are protected from cyber attacks. The proposed amendment will not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment has no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment will not degrade the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John C. McClure, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Branch Chief: Michael T. Markley.

NextEra Energy Point Beach, LLC (the licensee), Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant (PBNP), Units 1 and 2, Town of Two Creeks, Manitowac County, Wisconsin

Date of amendment request: December 8, 2008, as supplemented by letters dated.

January 16, January 27, February 20, April 17 (two letters), May 8, May 15, June 1, July 24, August 20, September 4 (two letters), September 10, October 2, November 20, November 25, and December 17 of 2009; and January 14, February 4 (two letters), March 5, April 20, July 8, July 29, August 12, and September 3 of 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would revise the PBNP Units 1 and 2 current licensing bases to implement the alternate source term (AST) through reanalysis of the radiological consequences of the Final Safety Analysis Report (FSAR) Chapter 14 accidents. The following technical specifications (TS) are requested to be modified:

TS 1.1 will be reduced from 0.4 percent of containment air weight per day to 0.2 percent of containment air weight per day at peak design containment pressure.

Surveillance Requirement (SR) 3.4.16.2 will be revised to change the specific activity of the reactor coolant from [dose equivalent iodine] DEI–131 less than or equal to 0.8 microCurie per gram (μCi/gm) to less than or equal to 0.5 μCi/gm.

TS 3.7.9 will be modified to address Technical Specification Task Force (TSTF) Traveler TSTF–448, Revision 3, Control Room Habitability, and joint NRC and industry guidance regarding control room habitability.

SR 3.7.9.3 and SR 3.7.9.6 will be revised to delete the word "makeup."

TS 3.7.13 will be revised to change the specific activity of the secondary coolant from less than or equal to 1.00 μCi/gm to less than or equal to 0.1 μCi/gm DEI–131.

TS 3.7.14, "Primary Auxiliary Building Ventilation (VNPAB)," will be added to the technical specifications as a result of the VNPAB system exhaust function being credited in the AST Loss of Coolant Accident (LOCA) Emergency Core Cooling System (ECCS) leakage analysis.

TS 5.5.15c will be revised to change the maximum allowable containment leakage rate, from 0.4 percent to 0.2 percent of containment air weight per day.

TS 5.5.18, "Control Room Envelope Habitability Program," will be added to address AST-related commitments.

TS 5.6.4 will add WCAP–16259–P–A "Westinghouse Methodology for Application of 3–D Transient Neutronics to Non-LOCA Analyses" to the list of approved analytical methods.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The results of the applicable radiological design-basis accident (DBA) re-evaluation

demonstrated that, with the requested changes, the dose consequences of these limiting events are within the regulatory limits and guidance provided by the NRC in 10 CFR 50.67 and [Regulatory Guide] RG 1.183, "Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Plants," July 2000, for the AST methodology. The AST is an input to calculations used to evaluate the consequences of an accident and does not by itself affect the plant response or the actual pathway of the activity released from the fuel. It does, however, better represent the physical characteristics of the release, such that appropriate mitigation techniques may be applied.

The change from the original source term to the new proposed AST is a change in the analysis method and assumptions and has no effect on the probability of occurrence of previously analyzed accidents. Use of an AST to analyze the dose effect of DBAs shows that regulatory acceptance criteria for the new methodology continues to be met. The dose consequences in the control room (CR), the exclusion area boundary, and the low population zone (LPZ) do not exceed the regulatory limits provided by the NRC in 10 CFR 50.67 and Regulatory Guide 1.183 for the AST methodology.

For the locked rotor (LR) event, an NRC approved methodology RAVE (Westinghouse WCAP–16259–P–A, "Westinghouse Methodology for Application of 3–D Transient Neutronics to Non-LOCA Accident Analysis,") is used to determine rods in [departure from nucleate boiling] DNB. The use of an NRC approved methodology provides an input assumption to the radiological dose consequences calculations. The use of the new methodology does not change the sequence or progression of the accident scenario.

The proposed TS changes reflect the plant configuration that is required to implement the AST analyses. The equipment affected by the proposed changes is mitigating in nature and relied upon after an accident has been initiated. The operation of various filtration systems, the residual heat removal (RHR) and the containment spray (CS) systems, including associated support systems, has been considered in the evaluations of these proposed changes. The operation of this equipment has been evaluated for emergency diesel generator loading and fuel consumption. The evaluation demonstrated that the diesel generator loading and fuel consumption do not exceed the diesel generator criteria. While the operation of these systems does change with the implementation of an AST, the affected systems are not accident initiators, and application of the AST methodology itself is not an initiator of a DBA.

The operation of containment spray on sump recirculation has been evaluated for increased strainer blockage or reduction in flow from the sump. The evaluation demonstrated that the increase in containment spray will not adversely affect the operation of the emergency core cooling systems during the sump recirculation phase of a DBA.

The VNPAB exhaust is relied upon after an accident has been initiated to provide the AST LOCA ECCS equipment leakage activity release location for the control room dose calculation. The results of the LOCA radiological analysis demonstrate that while operating the VNPAB exhaust system, as supported by the proposed TS, the dose consequences of this limiting event are within the regulatory limits and guidance provided by the NRC in 10 CFR 50.67 and RG 1.183.

The Control Room Envelope Habitability Program adds administrative controls to the TSs ensuring control room habitability with an operable control room emergency filtration system (CREFS). The proposed TS changes, including a new habitability program and additional testing, produce more stringent TS requirements than the existing TSs, enhancing the protection of control room occupants.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The changes proposed in this license amendment request involve the use of a new analysis methodology and related regulatory acceptance criteria. The proposed TS changes reflect the plant configuration that is required to implement the AST analyses. No new or different accidents result from utilizing the proposed changes. Although the proposed changes require modifications to the [control room ventilation system] VNCR system, as well as modifications to the RHR system and CS system, the changes will not create a new or different kind of accident since they are related to system capabilities that provide protection from accidents that have already occurred. The operation of this equipment has been evaluated for emergency diesel generator loading and fuel consumption. The evaluation demonstrated that the diesel generator loading and fuel consumption do not exceed the diesel generator criteria.

The operation of containment spray on sump recirculation has been evaluated for increased strainer blockage or reduction in flow from the sump. The evaluation demonstrated that the increase in containment spray will not adversely affect the operation of the emergency core cooling systems during the sump recirculation phase of a DBA.

As a result, no new failure modes are being introduced that could lead to different accidents. These changes do not alter the nature of events postulated in the FSAR nor do they introduce any unique precursor mechanisms.

For the LR event, an NRC approved methodology RAVE (Westinghouse WCAP–16259–P–A, "Westinghouse Methodology for Application of 3–D Transient Neutronics to Non-LOCA Accident Analysis,") is used to determine rods in DNB. The use of an NRC approved methodology provides an input assumption to the radiological dose consequences calculations. The use of the new methodology does not alter the nature of events postulated in the FSAR nor do they introduce any unique precursor mechanisms.

The proposed VNPAB TS reflects the plant configuration that is required to implement the AST analyses, and no new or different accidents result from utilizing the proposed changes. The LOCA control room dose analysis assumes that the ECCS equipment leakage activity release pathway X/Q to be at the location of the primary auxiliary building vent stack. Operation of the VNPAB exhaust fans assures this release point. The VNPAB system operates during normal unit operation.

No new or different kinds of accidents result from performance of the revised TS surveillances or from the addition of the Control Room Envelope Habitability Program. The proposed changes do not involve a physical alteration of the CREFS or a significant change in the methods governing normal plant operation. The proposed TS changes, including a new habitability program and additional testing, produce more stringent TS requirements than the existing TSs, enhancing the protection of control room occupants.

Therefore, the proposed changes do not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The changes proposed in this license amendment involve the use of a new analysis methodology and related regulatory acceptance criteria. The proposed TS changes reflect the plant configuration that is required to implement the AST analyses. Safety margins and analytical conservatisms have been evaluated and have been found to be acceptable. The analyzed events have been carefully selected and, with plant modifications, no significant reduction of margin has occurred and analyses adequately bound postulated event scenarios. The proposed changes continue to ensure that the dose consequences of DBAs at the exclusion area and LPZ boundaries and in the CR are within the corresponding acceptance criteria presented in RG 1.183 and 10 CFR 50.67. The margin of safety for the radiological consequences of these accidents is provided by meeting the applicable regulatory limits, which are set at or below the 10 CFR 50.67 limits. An acceptable margin of safety is inherent in these limits.

For the LR event, an NRC approved methodology RAVE (Westinghouse WCAP–16259–P–A, "Westinghouse Methodology for Application of 3–D Transient Neutronics to Non-LOCA Accident Analysis,") is used to determine rods in DNB. The use of an NRC approved methodology provides an input assumption to the radiological dose consequences calculations. The use of the new methodology does not reduce any margins of safety for the LR event; therefore, the proposed change does not involve a significant reduction in a margin of safety.

The proposed VNPAB TS reflects the plant configuration that is required to implement the AST analyses. The VNPAB assures the proper X/Q for airborne radiological protection for control room personnel, as demonstrated by the control room dose analyses for the LOCA. Safety margins and

analytical conservatisms have been evaluated and have been found to be acceptable. The proposed changes ensure that the dose consequences in the control room due to the DBA LOCA are within the acceptance criteria presented in 10 CFR 50.67. The margin of safety for the radiological consequences of these accidents is provided by meeting the regulatory limit.

The proposed changes do not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. The proposed changes do not affect safety analysis criteria, and will not result in plant operation in a configuration outside the design basis for an unacceptable period of time without compensatory measures. The proposed TS changes, including a new habitability program and additional testing, produce more stringent TS requirements than the existing TSs, enhancing the protection of control room occupants.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Senior Attorney, NextEra Energy Point Beach, LLC, P. O. Box 14000, Juno Beach, FL 33408–0420.

NRC Branch Chief: Robert J. Pascarelli.

Northern States Power Company—Minnesota (NSPM), Docket No. 50–263, Monticello Nuclear Generating Plant (MNGP), Wright County, Minnesota

Date of amendment request: July 20, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The licensee proposed an amendment to the Renewed Facility Operating Licenses for MNGP and Prairie Island Nuclear Generating Plant (PINGP); this notice only addresses the application as it pertains to MNGP. The licensee requested NRC approval of the NSPM Cyber Security Plan, provided a proposed implementation schedule, and proposed to add a sentence to License Condition 2.C.3, "Physical Protection," of MNGP's Renewed Facility Operating License DPR–22 to read as follows: "NSPM shall fully implement and maintain in effect all provisions of the Commission-approved NSPM Cyber Security Plan by December 1, 2014."

Basis for proposed no significant hazards consideration determination: As required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (NSHC). The licensee's NSHC analysis, written for both MNGP and PINGP, addressing each issue described above, is reproduced below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The proposed amendments incorporate new requirements in the [Renewed] Facility Operating Licenses (FOLs) to implement and maintain a Cyber Security Plan (Plan) as part of the facilities' overall program for physical protection. Inclusion of the Plan in the FOLs itself does not involve any modifications to the safety-related structures, systems or components (SSCs). Rather, the Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facilities' digital computer and communications systems and networks are protected from cyber attacks. The Plan and any plant modifications will not alter previously evaluated Updated Safety Analysis Report (USAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected. Therefore, the proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed amendments provide assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a Plan in the FOLs do not result in the need of any new or different USAR design basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of these proposed amendments. Therefore, the proposed amendments do not create a possibility for an accident of a new or different type than those previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendments would not alter the way any safety-related SSC functions and would not alter the way the plants are operated. These amendments provide assurance that safety-related SSCs are protected from cyber attacks. The proposed amendments would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendments would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendments would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed amendments do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: Robert J. Pascarelli.

Northern States Power Company—Minnesota (NSPM), Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: July 20, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The licensee proposed an amendment to the Facility Operating Licenses for PINGP, Units 1 and 2, and the Renewed Facility Operating License for Monticello Nuclear Generating Plant (MNGP); this notice only addresses the application as it pertains to PINGP, Units 1 and 2. The licensee requested NRC approval of the NSPM Cyber Security Plan, provided a proposed Implementation Schedule, and proposed to add a sentence to License Condition 2.C.(3), "Physical Protection," of PINGP's Facility Operating Licenses DPR–42 and DPR–60 to read as follows: "NSPM shall fully implement and maintain in effect all provisions of the Commission-approved NSPM Cyber Security Plan by December 1, 2014."

Basis for proposed no significant hazards consideration determination: As required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration (NSHC). The licensee's NSHC analysis, written for

both MNGP and PINGP, addressing each issue described above, is reproduced below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendments incorporate new requirements in the Facility Operating Licenses (FOLs) to implement and maintain a Cyber Security Plan (Plan) as part of the facilities' overall program for physical protection. Inclusion of the Plan in the FOLs itself does not involve any modifications to the safety-related structures, systems or components (SSCs). Rather, the Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facilities' digital computer and communications systems and networks are protected from cyber attacks. The Plan and any plant modifications will not alter previously evaluated Updated Safety Analysis Report (USAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected.

Therefore, the proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendments provide assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a Plan in the FOLs do not result in the need of any new or different USAR design basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of these proposed amendments.

Therefore, the proposed amendments do not create a possibility for an accident of a new or different type than those previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendments would not alter the way any safety-related SSC functions and would not alter the way the plants are operated. These amendments provide assurance that safety-related SSCs are protected from cyber attacks. The proposed amendments would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendments would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendments would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed amendments do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: Robert J. Pascarelli.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment request: July 22, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would approve the Diablo Canyon Power Plant, Units 1 and 2 (DCPP), Cyber Security Plan, in accordance with 10 CFR 73.54. In addition, the amendment would revise the DCPP Facility Operating License Nos. DPR–80 and DPR 82, respectively, for Units 1 and 2, to add a sentence to require the licensee to fully implement and maintain in effect all provisions of the Commission-approved DCPP Cyber Security Plan. The proposed change is consistent with Nuclear Energy Institute (NEI) 08–09, Revision 6, "Cyber Security Plan for Nuclear Power Reactors."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment incorporates a new requirement in the Facility Operating License (FOL) to implement and maintain a Cyber Security Plan (Plan) as part of the facility's overall program for physical protection. Inclusion of the Cyber Security Plan in the FOL itself does not involve any modifications to the safety-related structures, systems or components (SSCs). Rather, the Cyber Security Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The Plan will not alter previously evaluated Final Safety Analysis Report (FSAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected. Any plant modifications necessary to implement the Plan will be evaluated pursuant to 10 CFR 50.59 to assure they will not alter previously evaluated FSAR design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected. Further amendments to the operating licenses will be pursued as necessary based on the results of these evaluations.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

This proposed amendment provides assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a plan in the FOL do not result in the need of any new or different FSAR design basis accident analysis. As noted in response to question 1, any plant modifications necessary to implement the Plan will be evaluated pursuant to 10 CFR 50.59 to assure they do not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. Further amendments to the operating licenses will be pursued as necessary based on the results of these evaluations.

As a result, no new accident scenarios, failure mechanisms, or limiting single failures will be introduced as a result of this proposed amendment.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way any safety-related SSC functions and would not alter the way the

plant is operated. The amendment provides assurance that safety-related SSCs are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Branch Chief: Michael T. Markley.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station (SSES), Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: July 22, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment to the Renewed Facility Operating License (FOL) includes: (1) The proposed SSES Units 1 and 2 Cyber Security Plan, (2) an implementation schedule, and (3) a proposed sentence to be added to the existing renewed FOL Physical Protection license condition for SSES Units 1 and 2 requiring PPL Susquehanna, LLC to fully implement and maintain in effect all provisions of the Commission-approved SSES Units 1 and 2 Cyber Security Plan as required by 10 CFR 73.54. **Federal Register** notice dated March 27, 2009, issued the final rule that amended 10 CFR Part 73. The regulations in 10 CFR 73.54, "Protection of digital computer and communication systems and networks," establish the requirements for a cyber security program. This regulation specifically requires each licensee currently licensed to operate a nuclear power plant under Part 50 of this chapter to submit a cyber security plan that satisfies the requirements of the Rule. Each submittal must include a proposed implementation schedule and implementation of the licensee's cyber security program must be consistent with the approved schedule. The background for this application is addressed by the NRC Notice of Availability, **Federal Register** Notice, Final Rule 10 CFR Part 73, Power Reactor Security Requirements, published on March 27, 2009, 74 FR 13926.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment incorporates a new requirement in the PPL Susquehanna Units 1 and 2 FOL to implement and maintain a Cyber Security Plan as part of the facility's overall program for physical protection. Inclusion of the Cyber Security Plan in the FOL itself does not involve any modifications to the safety-related structures, systems or components (SSCs). Rather, the Cyber Security Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The Cyber Security Plan will not alter previously evaluated Final Safety Analysis Report (FSAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety-related SSCs as to how they are operated, maintained, modified, tested, or inspected. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This proposed amendment provides assurance that safety-related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of a plan in the PPL Susquehanna Units 1 and 2 FOL do not result in the need for any new or different FSAR design basis accident analysis. The inclusion does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. The inclusion of the Cyber Security Plan also does not affect the function of any safety-related SSC as to how they are operated, maintained, modified, tested or inspected. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment. Therefore, the proposed amendment does not create a possibility for an accident of a new or different type than those previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way safety-related SSCs function and would not alter the way PPL Susquehanna Units 1 and 2 are operated. The amendment provides assurance that safety-related SSCs are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with the design basis or any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bryan A. Snapp, Esquire, Assoc. General Counsel, PPL Services Corporation, 2 North Ninth St., GENTW3, Allentown, PA 18101–1179.

NRC Branch Chief: Nancy L. Salgado

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: July 14, 2010.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendments would approve the cyber security plan and associated implementation schedule for Hope Creek Generating Station (Hope Creek) and Salem Nuclear Generating Station, Unit Nos. 1 and 2 (Salem). In addition, the amendments would revise the existing license condition regarding physical protection in each of the three facility operating licenses (FOLs) to require the licensee to fully implement and maintain in effect all provisions of the Nuclear Regulatory Commission

(NRC)-approved cyber security plan. The proposed amendment was submitted pursuant to Section 73.54 of Title 10 of the *Code of Federal Regulations* (10 CFR) which requires licenses currently licensed to operate a nuclear power plant under 10 CFR Part 50 to submit a cyber security plan (Plan) for NRC review and approval.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC staff edits in square brackets:

Criterion 1: The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change is required by § 73.54 (Rule) and includes three parts. The first part is the submittal of the Plan for NRC review and approval. The Plan conforms to the template provided in [Nuclear Energy Institute (NEI)] 08–09 Revision 6 and provides a description of how the requirements of the Rule will be implemented at the Salem—Hope Creek Generating Station [s]ite. The Plan establishes the licensing basis for the Salem-Hope Creek Cyber Security Program. The Plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with the following are adequately protected against cyber attacks up to and including the design basis threat:

1. Safety-related and important-to-safety functions,
2. Security functions,
3. Emergency preparedness functions including offsite communications, and
4. Support systems and equipment which if compromised, would adversely impact safety, security, or emergency preparedness functions.

Part one of the proposed change is designed to achieve high assurance that the systems [within the scope of the Rule] are protected from cyber attacks. The Plan itself does not require any plant modifications. However, the Plan does describe how plant modifications which involve digital computer systems are reviewed to provide high assurance of adequate protection against cyber attacks, up to and including the design basis threat as defined in the Rule. The proposed change does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, or [a]ffect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The first part of the proposed change is designed to achieve high assurance that the systems within the scope of the Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an Implementation Schedule. The third part adds a sentence to the existing FOL license condition for Physical Protection. Both of these changes are administrative and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2: The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed change is required by § 73.54 and includes three parts. The first part is the submittal of the Plan for NRC review and approval. The Plan conforms to the template provided by NEI 08–09 Revision 6 and provides a description of how the requirements of the Rule will be implemented at [the] Salem and Hope Creek Generating Station [s]ite. The Plan establishes the licensing basis for the Salem-Hope Creek Cyber Security Program. The Plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with the following are adequately protected against cyber attacks up to and including the design basis threat:

1. Safety-related and important-to-safety functions,
2. Security functions,
3. Emergency preparedness functions including offsite communications, and
4. Support systems and equipment which if compromised, would adversely impact safety, security, or emergency preparedness functions.

Part one of the proposed change is designed to achieve high assurance that the systems within the scope of the Rule are protected from cyber attacks. The Plan itself does not require any plant modifications. However, the Plan does describe how plant modifications [which involve] digital computer systems are reviewed to provide high assurance of adequate protection against cyber attacks, up to and including the design basis threat as defined in the Rule. The proposed change does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any initiators, or [a]ffect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The first part of the proposed change is designed to achieve high assurance that the systems within the scope of the Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any previously evaluated.

The second part of the proposed change is an Implementation Schedule. The third part adds a sentence to the existing FOL license condition for Physical Protection. Both of these changes are administrative and do not create the possibility of a new or different kind of accident from any previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3: The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change is required by § 73.54 and includes three parts. The first part is the submittal of the Plan for NRC review and approval. The Plan conforms to the template provided by NEI 08–09 Revision 6 and provides a description of how the requirements of the Rule will be implemented at the Salem and Hope Creek Generating Station site. The Plan establishes the licensing basis for the Salem-Hope Creek Cyber Security Program. The Plan establishes how to achieve high assurance that nuclear power plant digital computer and communication systems and networks associated with the following are adequately protected against cyber attacks up to and including the design basis threat:

1. Safety-related and important-to-safety functions,
2. Security functions,
3. Emergency preparedness functions including offsite communications, and
4. Support systems and equipment which if compromised, would adversely impact safety, security, or emergency preparedness functions.

Part one of the proposed change is designed to achieve high assurance that the systems within the scope of the Rule are protected from cyber attacks. Plant safety margins are established through Limiting Conditions for Operation, Limiting Safety System Settings and Safety [L]imits specified in the Technical Specifications. Because there is no change to these established safety margins, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an Implementation Schedule. The third part adds a sentence to the existing FOL license condition for Physical Protection. Both of these changes are administrative and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, with changes by the NRC staff shown in square brackets, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Vincent Zabielski, PSEG Nuclear LLC–N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: Harold K. Chernoff.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: July 19, 2010.

Description of amendment request: This amendment request contains

sensitive unclassified non-safeguards information (SUNSI). The amendment requests for approval of the Cyber Security Plan in accordance with 10 CFR Section 73.54. In addition, the amendment would revise Section 2.E of the Renewed Facility Operating License No. NPF–42 to incorporate the provisions for implementing and maintaining in effect the provisions of the approved Cyber Security Plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change incorporates a new requirement in the Renewed Facility Operating License to implement and maintain the Cyber Security Plan as part of the facility's overall program for physical protection. Inclusion of the Cyber Security Plan in the Renewed Facility Operating License itself does not involve any modifications to the safety related structures, systems or components (SSCs). Rather, the Cyber Security Plan describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat, thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The implementation and incorporation of the Cyber Security Plan into the Renewed Facility Operating License will not alter previously evaluated Updated Safety Analysis Report (USAR) design basis accident analysis assumptions, add any accident initiators, or affect the function of the plant safety related SSCs as to how they are operated, maintained, modified, tested, or inspected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This proposed amendment provides assurance that safety related SSCs are protected from cyber attacks. Implementation of 10 CFR 73.54 and the inclusion of the Cyber Security Plan in the Renewed Facility Operating License do not result in the need of any new or different USAR design basis accident analysis. It does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. As a result, no new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment would not alter the way any safety related SSC functions and would not alter the way the plant is operated. The amendment provides assurance that safety related SSCs are protected from cyber attacks. The proposed amendment would not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment would have no impact on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment would not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037.

NRC Branch Chief: Michael T. Markley.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Calvert Cliffs Nuclear Power Plant, LLC, R. E. Ginna Nuclear Power Plant, LLC, and Nine Mile Point Nuclear Station, LLC, Docket Nos. 50–317, 50–318, 50–244, 50–220, and 50–410, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP), R.E. Ginna Nuclear Power Plant (Ginna), Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMPNS), Calvert County, Maryland, Wayne County, New York, and Oswego County, New York, Respectively

Carolina Power and Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Entergy Gulf States Louisiana, LLC, and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Entergy Nuclear Operations, Inc., Docket Nos. 50–003, 50–247, and 50–286, Indian Point Nuclear Generating Unit Nos. 1, 2, and 3, Westchester County, New York

Entergy Operations, Inc., Docket No. 50–313 and 50–368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Indiana Michigan Power Company, Docket No. 50–315 and 50–316, Donald C. Cook Nuclear Plant (CNP), Units 1 and 2, Berrien County, Michigan

Luminant Generation Company LLC,, Docket Nos. 50–445 and 50–446, Comanche Peak Nuclear Power Plant, Units 1 and 2, Somervell County, Texas

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

NextEra Energy Point Beach, LLC (the licensee), Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant (PBNP), Units 1 and 2, Town of Two Creeks, Manitowac County, Wisconsin

Northern States Power Company—Minnesota (NSPM), Docket No. 50–263, Monticello Nuclear Generating Plant (MNGP), Wright County, Minnesota

Northern States Power Company—Minnesota (NSPM), Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, Goodhue County, Minnesota

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station (SSES), Units 1 and 2, Luzerne County, Pennsylvania

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The e-mail addresses for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1);

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention;

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, or after a determination on trustworthiness and reliability, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR Part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 30th day of September 2010.

For the Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Day	Event/Activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
A + 60	Decision on contention admission.

[FR Doc. 2010–25144 Filed 10–8–10; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Plant Operations and Fire Protection

The ACRS Subcommittee on Plant Operations and Fire Protection will hold a meeting on November 1, 2010, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, November 1, 2010—8:30 a.m. until 5 p.m.

The Subcommittee will discuss the Draft Final Rule, "Enhancements to Emergency Preparedness Regulations," and related regulatory guidance documents: Draft Regulatory Guide DG–1237, "Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors," Interim Staff Guidance (ISG) NSIR/DPR–ISG–01, "Emergency Planning for Nuclear Power Plants," and NUREG/CR 7002, "Criteria for Development of Evacuation Time Estimate Studies." The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Girija Shukla (Telephone 301–415–6855 or E-mail *Girija.Shukla@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs*. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: October 5, 2010.

Antonio Dias,

Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–25528 Filed 10–8–10; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

DATES AND TIMES: Tuesday, October 19, 2010, at 10 a.m.; and Wednesday, October 20, 2010, at 8:30 a.m.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW.

STATUS: Closed.

Matters To Be Considered

Tuesday, October 19, at 10 a.m. (Closed)

1. Strategic Issues.
2. Pricing.
3. Financial Matters.
4. Personnel Matters and Compensation Issues.
5. Governors' Executive Session—Discussion of prior agenda items and Board Governance.

Wednesday, October 20, at 8:30 a.m. (Closed)—if needed Continuation of Tuesday's agenda.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

Julie S. Moore,

Secretary.

[FR Doc. 2010–25667 Filed 10–7–10; 11:15 am]

BILLING CODE 7710–12–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12318 and #12319]

Illinois Disaster Number IL–00027

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 Illinois (FEMA–1935–DR), dated 09/13/2010.

Incident: Severe storms and flooding.

Incident Period: 07/19/2010 through 08/07/2010.

DATES: *Effective Date:* 09/30/2010.

Physical Loan Application Deadline Date: 11/12/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 06/13/2011.

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 Illinois, dated 09/13/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Moultrie.

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. 2010–25450 Filed 10–8–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Interagency Task Force on Veterans Small Business Development

AGENCY: U.S. Small Business Administration.

ACTION: Notice of open Federal Interagency Task Force meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and agenda for the first public meeting of the Interagency Task Force on Veterans Small Business Development. The meeting will be open to the public.

DATES: Thursday, October 15, 2010, from 9 a.m. to 12 Noon in the Eisenhower Conference Room, Side A & B, located on the 2nd floor.

ADDRESSES: U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development. The Task Force is established pursuant to Executive Order 13540 and focused on coordinating the efforts of Federal agencies to improve capital, business development opportunities and preestablished Federal contracting goals for small business concerns owned and controlled by veterans (VOB's) and service-disabled veterans (SDVOSB'S). Moreover, the Task Force shall coordinate administrative and regulatory activities and develop proposals relating to "six focus areas": (1) Access to capital (loans, surety bonding and franchising); (2) ensure achievement of pre-established contracting goals, including mentor protégé and matching with contracting opportunities; (3) increase the integrity of certifications of status as a small business; (4) reducing paperwork and administrative burdens in accessing business development and entrepreneurship opportunities; (5) increasing and improving training and counseling services; and (6) making other improvements to support veteran's business development by the Federal government.

The Interagency Task Force on Veterans Small Business Development shall submit to the President, no later than one year after its first meeting, a report on the performance of its functions and any proposals developed pursuant to the "six focus areas" identified above.

The purpose of the meeting is scheduled as a full Task Force meeting and to seek and obtain public comment from individuals and representatives of organizations regarding the areas of focus. The agenda will include presentations and discussion regarding the "six focus areas" of the Task Force.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Task Force must contact Raymond B. Snyder, by October 8, 2010, by email in order to be placed on the agenda. Comments for the Record should be applicable to the "six focus areas" of the Task Force and emailed prior to the meeting for inclusion in the public record, verbal presentations; however, will be limited to five minutes in the interest of time and to accommodate as many presenters as possible. Written comments should be emailed to Raymond B. Snyder, Deputy Associate Administrator, Office of Veterans Business Development, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, email address: *raymond.snyder@sba.gov.*

Additionally, if you need accommodations because of a disability or require additional information, please contact Raymond B. Snyder, Designated Federal Official for the Task Force at (202) 205–6773; or by e-mail at: *raymond.snyder@sba.gov,* SBA, Office

of Veterans Business Development, 409 3rd Street, SW., Washington, DC 20416.

For more information, please visit our Web site at *http://www.sba.gov/vets.*

Dated: September 27, 2010.

Dan Jones,

SBA Committee Management Officer.

[FR Doc. 2010–25265 Filed 10–8–10; 8:45 am]

BILLING CODE M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

President's Council of Advisors on Science and Technology Meeting; Notice of Meeting: Partially Closed Meeting of the President's Council of Advisors on Science and Technology

ACTION: Public notice.

SUMMARY: This notice sets forth the schedule and summary agenda for a partially closed meeting of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA), 5 U.S.C., App.

DATES: November 4, 2010.

ADDRESSES: The meeting will be held at the Keck Center of the National Academies, 500 5th Street, NW., Room Keck 100, Washington, DC.

Type of Meeting: Open and Closed.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology (PCAST) is scheduled to meet in open session on November 4, 2010 from 9:30 a.m. to 5 p.m. with a lunch break from 12 p.m. to 1 p.m.

Open Portion of Meeting: During this open meeting, PCAST is tentatively scheduled to hear presentations on science and technology enterprise planning, national security, and international affairs. PCAST members will also discuss reports they are developing on the topics of advanced manufacturing and the Networking and Information Technology Research and Development (NITRD) Program. Additional information and the agenda will be posted at the PCAST Web site at: *http://whitehouse.gov/ostp/pcast.*

Closed Portion of the Meeting: PCAST may hold a closed meeting of approximately 1 hour with the President on November 4, 2010, which must take place in the White House for the President's scheduling convenience and to maintain Secret Service protection. This meeting will be closed to the public because such portion of the meeting is likely to disclose matters that are to be kept secret in the interest of national defense or foreign policy under 5 U.S.C. 552b(c)(1). The precise date and time of this potential meeting has not yet been determined.

Public Comments: It is the policy of the PCAST to accept written public comments of any length, and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on November 4, 2010 at a time specified in the meeting agenda posted on the PCAST Web site at *http://whitehouse.gov/ostp/pcast.* This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *http://whitehouse.gov/ostp/pcast,* no later than 5 p.m. Eastern Time on Wednesday, October 27, 2010. Phone or e-mail reservations will not be accepted. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 30 minutes. If more speakers register than there is space available on the agenda, PCAST will randomly select speakers from among those who applied. Those not selected to present oral comments may always file written comments with the committee. Speakers are requested to bring at least 25 copies of their oral comments for distribution to the PCAST members.

Written Comments: Although written comments are accepted until the date of the meeting, written comments should be submitted to PCAST at least two weeks prior to each meeting date, October 20, 2010, so that the comments may be made available to the PCAST members prior to the meeting for their consideration. Information regarding how to submit comments and documents to PCAST is available at *http://whitehouse.gov/ostp/pcast* in the section entitled "Connect with PCAST."

Please note that because PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST Web site.

FOR FURTHER INFORMATION CONTACT: Information regarding the meeting agenda, time, location, and how to register for the meeting is available on the PCAST Web site at: *http://whitehouse.gov/ostp/pcast.* A live video webcast and an archive of the webcast after the event will be available at *http://whitehouse.gov/ostp/pcast.* The archived video will be available within one week of the meeting. Questions about the meeting should be directed to Dr. Deborah D. Stine, PCAST Executive Director, at *dstine@ostp.eop.gov,* (202) 456–6006. Please note that public seating for this meeting is limited and is available on a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology (PCAST) is an advisory group of the nation's leading scientists and engineers who directly advise the President. *See* the Executive Order at *http://www.whitehouse.gov/ostp/pcast.* PCAST makes policy recommendations in the many areas where understanding of science, technology, and innovation is key to strengthening our economy and forming policy that works for the American people. PCAST is administered by the Office of Science and Technology Policy (OSTP). PCAST is co-chaired by Dr. John P. Holdren, Assistant to the President for Science and Technology, and Director, Office of Science and Technology Policy, Executive Office of the President, The White House; and Dr. Eric S. Lander, President, Broad Institute of MIT and Harvard.

Meeting Accomodations: Individuals requiring special accommodation to access this public meeting should contact Dr. Stine at least ten business days prior to the meeting so that appropriate arrangements can be made.

Ted Wackler,

Deputy Chief of Staff.

[FR Doc. 2010–25766 Filed 10–8–10; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form BD–N/Rule 15b11–1; SEC File No. 270–498; OMB Control No. 3235–0556.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission

("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 15b11–1 (17 CFR 240.15b11–1) requires that futures commission merchants and introducing brokers registered with the Commidity Futures Trading Commission that conduct a business in security futures products must notice-register as broker-dealers pursuant to Section 15(b)(11)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). Form BD–N (17 CFR 249.501b) is the Form by which these entities must notice register with the Commission.

The total annual burden imposed by Rule 15b11–1 and Form BD–N is approximately 8 hours, based on approximately 21 responses (10 initial filings + 11 amendments). Each initial filing requires approximately 30 minutes to complete and each amendment requires approximately 15 minutes to complete. There is no annual cost burden.

The Commission will use the information collected pursuant to Rule 15b11–1 to understand the market for securities futures product and fulfill its regulatory obligations.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to Jeffrey Heslop, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/c Remi Pavlik-Simon, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: October 4, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–25501 Filed 10–8–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form 144; OMB Control No. 3235–0101; SEC File No. 270–112.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management Budget for extension and approval.

Form 144 (17 CFR 239.144) is used to report the sale of securities during any three-month period that exceeds 5,000 shares or other units or has an aggregate sales price that does not exceed $50,000. Under Sections 2(11), 4(1), 4(2), 4(4) and 19(a) of the Securities Act of 1933 (15 U.S.C. 77b, 77d(1)(2)(4) and 77s(a)) and Rule 144 (17 CFR 230.144) there under, the Commission is authorize to solicit the information required to be supplied by Form 144. Form 144 takes approximately 1 burden hour per response and is filed by 23,361 respondents for a total of 23,361 total burden hours.

Written comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Jeffrey Heslop, Acting Director/CIO, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 6432 General Green Way, Alexandria, Virginia 22312, or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: October 4, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–25499 Filed 10–8–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on October 13, 2010 at 10 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

1. The Commission will consider whether to adopt an interim final temporary rule under Section 766 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, to provide for the reporting of certain security-based swap transactions and including an interpretive note regarding retention and recordkeeping requirements for certain security-based swap transactions.

2. The Commission will consider whether to propose Regulation MC pursuant to Section 765 of the Dodd-Frank Act to mitigate conflicts of interest at security-based swap clearing agencies, security-based swap execution facilities, and national security exchanges that post or make available for trading security-based swaps.

3. The Commission will consider whether to propose rules that would implement Section 945 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which requires an issuer of asset-backed securities (ABS) to perform a review of the assets underlying the ABS and disclose information relating to the review. The Commission will also consider whether to propose rules that would implement Section 15E(s)(4)(A) of the Exchange Act as added by Section 932 of the Act, which requires an ABS issuer or underwriter to make publicly available the findings and conclusions of any third-party due diligence report.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551–5400.

Dated: October 6, 2010.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2010–25677 Filed 10–7–10; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63035; File No. SR–CBOE–2010–090]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Trading Hours for CBSX

October 4, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 29, 2010, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 for the CBOE Stock Exchange ("CBSX") to modify its CBSX Extended Trading Hours to permit trading to open at 7:30 a.m. Central Time and continue until 3:45 p.m. Central Time. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/legal*), 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 CBOE 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, CBSX is open for trading from 8 a.m. until 3:30 p.m. (all times Central unless otherwise denoted), with the time period from 8:30 a.m. until 3 p.m. designated as CBSX Regular Trading Hours and the time periods from 8 a.m. until 8:30 a.m. and 3 p.m. until 3:30 p.m. designated as CBSX Extended Trading Hours. The Exchange has, in the past, made similar changes to extend CBSX trading hours.[5] CBSX proposes to extend its hours of business to open for trading at 7:30 a.m. and close trading at 3:45 p.m. This change would not affect CBSX Regular Trading Hours; the new trading periods (7:30 a.m. until 8 a.m. and 3:30 p.m. until 3:45 p.m.) would merely extend the CBSX Extended Trading Hours.

The Exchange represents that the modified opening and closing times will have no implications for CBSX systems. The Exchange represents that CBSX traders will have been notified of the time change via circular prior to the rule change taking effect. Lastly, the Exchange represents that appropriate surveillance will be in place for the new trading hours.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act[6] and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. Permitting trading earlier in the morning and until later in the day will permit investors greater opportunity to participate in the market, thereby removing an impediment to trading.

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

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule does not (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will permit market participants to trade on CBSX in extended trading hours that are available on other exchanges.[11] Accordingly, the Commission designates the proposed rule change operative upon filing with the Commission.[12]

At any time within 60 days of the filing of the proposed rule change, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release Nos. 34–61349 (January 14, 2010), 75 FR 3511 (January 21, 2010) (SR–CBOE–2010–004) and 34–60910 (October 30, 2009), 74 FR 57718 (November 9, 2009) (SR–CBOE–2010–083). In both cases, the Commission waived the 30-day operative delay period.

[6] 15 U.S.C. 78s(b)(1).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day pre-filing requirement in this case.

[11] *See, e.g.,* NASDAQ Stock Market Rule 4617 and NASDAQ OMX PHLX Rule 101.

[12] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78(c)(f).

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2010–090 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–2010–090. 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 CBOE. 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–2010–090 and should be submitted on or before November 2, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63043; File No. SR–NYSEArca–2010–84]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change To List and Trade Shares of the Sprott Physical Silver Trust

October 5, 2010.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the "Act")[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 22, 2010, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and is approving the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade units[4] of the Sprott Physical Silver Trust (the "Trust") under NYSE Arca Equities Rule 8.201. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade units ("Units") of the Trust under NYSE Arca Equities Rule 8.201. Under NYSE Arca Equities Rule 8.201, the Exchange may propose to list and/or trade pursuant to unlisted trading privileges ("UTP") "Commodity-Based Trust Shares."[5] The Commission has approved listing of the iShares Silver Trust on the Exchange[6] and, previously, listing of the iShares Silver Trust on the American Stock Exchange LLC (now known as "NYSE Amex LLC").[7] Further, the Commission has also approved listing on the Exchange under NYSE Arca Equities Rule 8.201 shares of ETFS Silver Trust[8] and ETFS Gold Trust.[9] The Commission also has previously approved listing on the Exchange of shares of the Sprott Physical Gold Trust, streetTRACKS Gold Trust, and iShares COMEX Gold Trust.[10] Prior to their listing on the Exchange, the Commission approved listing of the

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Each unit represents an equal, fractional, undivided ownership interest in the net assets of the Trust attributable to the particular class of units.

[5] Commodity-Based Trust Shares are securities issued by a trust that represent investors' discrete identifiable and undivided beneficial ownership interest in the commodities deposited into the Trust.

[6] *See* Securities Exchange Act Release No. 58956 (November 14, 2008), 73 FR 71074 (November 24, 2008) (SR–NYSEArca–2008–124) (approving listing on the Exchange of the iShares Silver Trust).

[7] *See* Securities Exchange Act Release No. 53521 (March 20, 2006), 71 FR 14967 (March 24, 2006) (SR–Amex–2005–72) (approving listing on the American Stock Exchange LLC of the iShares Silver Trust).

[8] *See* Securities Exchange Act Release No. 59781 (April 17, 2009), 74 FR 18771 (April 24, 2009) (SR–NYSEArca–2009–28) (approving listing on the Exchange of the ETFS Silver Trust).

[9] *See* Securities Exchange Act Release No. 59895 (May 8, 2009), 74 FR 22993 (May 15, 2009) (SR–NYSEArca–2009–40) (approving listing on the Exchange of the ETFS Gold Trust).

[10] *See* Securities Exchange Act Release No. 61496 (February 4, 2010) 75 FR 6758 (February 10, 2010) (NYSEArca–2009–113) (approving listing on the Exchange of Sprott Physical Gold Trust); Securities Exchange Act Release No. 56224 (August 8, 2007), 72 FR 45850 (August 15, 2007) (SR–NYSEArca–2007–76) (approving listing on the Exchange of the streetTRACKS Gold Trust); Securities Exchange Act Release No. 56041 (July 11, 2007), 72 FR 39114 (July 17, 2007) (SR–NYSEArca–2007–43) (approving listing on the Exchange of iShares COMEX Gold Trust).

streetTRACKS Gold Trust on the New York Stock Exchange ("NYSE") and listing of iShares COMEX Gold Trust on the American Stock Exchange LLC.[11] In addition, the Commission has approved trading of the streetTRACKS Gold Trust and iShares Silver Trust on the Exchange pursuant to UTP.[12] Sprott Asset Management LP is the sponsor or manager of the Trust (the "Sponsor" or the "Manager," [13] as the case may be), RBC Dexia Investor Services Trust is the trustee of the Trust (the "Trustee"),[14] the Royal Canadian Mint is the custodian for the physical silver bullion owned by the Trust (the "Silver Custodian"),[15] and RBC Dexia serves as the custodian of the Trust's assets other than physical silver bullion (the "Non-Silver Custodian").[16]

Listing Rules

Definition. Rule 8.201(c)(1) defines Commodity-Based Trust Shares as a security (a) that is issued by a trust that holds a specified commodity deposited with the trust; (b) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity; and (c) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity.

The Trust will issue Units, each of which represents an equal, fractional undivided ownership interest in the net assets of the Trust attributable to the particular class of Units. Except with respect to cash held by the Trust to pay expenses and anticipated redemptions, the Trust expects to own only London Good Delivery physical silver bullion. The investment objective of the Trust is for the Units to reflect the performance of the price of silver bullion, less the expenses of the Trust's operations.[17] The Trust is not actively managed and does not engage in any activities designed to obtain a profit from, or to ameliorate losses caused by, changes in the price of silver bullion. The Trust is neither an investment company registered under the Investment Company Act of 1940 nor a commodity pool for purposes of the Commodity Exchange Act.[18] The Units will be issued in an initial public offering. The Trust may not issue additional Units of the class offered in this offering following its completion except (i) if the net proceeds per Unit to be received by the Trust are not less than 100% of the most recently calculated net asset value ("NAV") immediately prior to, or upon, the determination of the pricing of such issuance or (ii) by way of Unit distribution in connection with an income distribution. The Trust will not issue Units on an on-going or daily basis. At the start of trading the Trust will issue a minimum of 1,000,000 Units to at least 400 holders ("Unitholders"), as further described below.

The Units will be redeemable monthly at the option of the holder. The redemption process is further described below.

The Exchange represents that the Units satisfy the requirements of NYSE Arca Equities Rule 8.201 and thereby qualify for listing on the Exchange.[19]

Operation of the Silver Market

A detailed description of the silver market is set forth in the Registration Statement.

Secondary Market Trading and Liquidity

While the Trust's investment objective is for the Units to reflect the performance of physical silver bullion, less the expenses of the Trust, the Units may trade in the secondary market on the NYSE Arca at prices that are lower or higher relative to their per Unit NAV. The NAV is expected to fluctuate with changes in the market value of the Trust's assets. The trading price of the Units will fluctuate in accordance with changes in the NAV as well as market supply and demand. The amount of the discount or premium in the trading price relative to the NAV may be influenced by non-concurrent trading hours between the NYSE Arca and the COMEX and other major world silver markets. While the Units will trade on the NYSE Arca until 8 p.m. New York time, liquidity in the global silver market will be reduced after the close of the major world silver markets, including London and of the COMEX division of the New York Mercantile Exchange at 1:25 p.m. New York time. As a result, during this time, trading spreads, and the resulting premium or discount to the NAV may widen.

Trust Expenses

The fees and expenses of the Trust are set forth in detail in the Registration Statement.

Initial Public Offering and Redemption of Units

The Trust will offer at a minimum, 1,000,000 Units in its initial public offering to a minimum of 400 Unitholders. Each Unit will represent an equal, fractional, undivided ownership interest in the net assets of the Trust attributable to the particular class of Units. It is not currently intended that the Trust will create additional Units, except as provided above.

Unitholders may redeem their Units on a monthly basis.

Redemption for Physical Silver

Subject to the terms of the trust agreement and the Manager's right to suspend redemptions under certain circumstances described in the

[11] *See* Securities Exchange Act Release No. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (approving listing of streetTRACKS Gold Trust on NYSE); Securities Exchange Act Release No. 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex-2004–38) (approving listing of iShares COMEX Gold Trust on the American Stock Exchange LLC).

[12] *See* Securities Exchange Act Release No. 53520 (March 20, 2006), 71 FR 14977 (March 24, 2006) (SR–PCX–2005–117) (approving trading on the Exchange pursuant to UTP of the iShares Silver Trust); Securities Exchange Act Release No. 51245 (February 23, 2005), 70 FR 10731 (March 4, 2005) (SR–PCX–2004–117) (approving trading on the Exchange of the streetTRACKS Gold Trust pursuant to UTP).

[13] The Manager is a limited partnership existing under the laws of Ontario, Canada, and acts as manager of the Trust pursuant to the Trust's trust agreement and the management agreement. The Manager provides management and advisory services to the Trust. Additional details regarding the Manager are set forth in the Registration Statement on Form F–1 for the Sprott Physical Silver Trust, filed with the Commission on July 9, 2010 (No. 333–168051) (the "Registration Statement").

[14] The Trustee holds title to the Trust's assets on behalf of the Unitholders and has, together with the Manager, exclusive authority over the assets and affairs of the Trust. The Trustee has a fiduciary responsibility to act in the best interest of the Unitholders. Additional details regarding the Trustee are set forth in the Registration Statement.

[15] The Silver Custodian will be responsible for and will bear all risk of loss of, and damage to, the Trust's physical silver bullion that is in its custody, subject to certain limitations based on events beyond the Silver Custodian's control. The Manager, with the consent of the Trustee, may determine to change the custodial arrangements of the Trust. Additional details regarding the Silver Custodian are set forth in the Registration Statement.

[16] The Non-Silver Custodian will be responsible for and will bear all risk of the loss of, and damage to, the Trust's assets (other than physical silver bullion) that are in its custody, subject to certain limitations based on events beyond the Non-Silver Custodian's control. The Manager, with the consent of the Trustee, may determine to change the custodial arrangements of the Trust. Additional details regarding the Non-Silver Custodian are set forth in the Registration Statement.

[17] The descriptions of the Trust, the Units and the silver market contained herein are based on the Registration Statement.

[18] The Trust does not trade in silver futures contracts. The Trust takes delivery of physical silver that complies with certain silver delivery rules. Because the Trust does not trade in silver futures contracts on any futures exchange, the Trust is not regulated as a commodity pool, and is not operated by a commodity pool operator.

[19] With respect to application of Rule 10A–3 (17 CFR 240.10A–3) under the Act (15 U.S.C. 78a), the Trust relies on the exemption contained in Rule 10A–3(c)(7).

registration statement, Units may be redeemed at the option of a Unitholder for physical silver bullion in any calendar month. Units redeemed for physical silver will be entitled to a redemption price equal to 100% of the NAV of the redeemed Units on the last Business Day, as defined herein, of the calendar month in which the redemption request is processed, less redemption and delivery expenses. Redemption requests must be for amounts that are at least equivalent to the value of ten London Good Delivery bars or an integral multiple of one bar in excess thereof, plus applicable expenses. A "London Good Delivery bar" contains between 750 and 1100 troy ounces of silver. Any fractional amount of redemption proceeds in excess of ten London Good Delivery bars or an integral multiple of one bar in excess thereof will be paid in cash at a rate equal to 100% of the NAV of such excess amount. The ability of a Unitholder to redeem Units for physical silver bullion may be limited by the sizes of London Good Delivery bars held by the Trust at the time of the redemption. A Unitholder redeeming Units for silver will be responsible for expenses incurred by the Trust in connection with such redemption and applicable delivery expenses, including the handling of the notice of redemption, the delivery of the physical bullion for units that are being redeemed and the applicable silver storage in-and-out fees.

A redemption notice to redeem Units for physical silver bullion must be received by the Trust's transfer agent no later than 4 pm, Eastern Standard Time, on the 15th day of the calendar month in which the redemption notice will be processed or, if such day is not a day on which banks located in New York, New York, are open for the transaction of banking business (a "Business Day"), then on the immediately following day that is a Business Day. Any redemption notice received after such time will be processed in the next month.

Physical silver bullion received by a Unitholder as a result of a redemption of Units will be delivered by armored transportation service carrier pursuant to delivery instructions provided by the Unitholder. The armored transportation service carrier will be engaged by or on behalf of the redeeming Unitholder. Such physical silver bullion can be delivered (i) to an account established by the Unitholder at an institution located in North America authorized to accept and hold London Good Delivery bars; (ii) in the United States, to any physical address (subject to approval by the armored transportation service carrier); (iii) in Canada, to any business address (subject to approval by the armored transportation service carrier); and (iv) outside of the United States and Canada, to any address approved by the armored transportation service carrier. Physical silver bullion delivered to an institution located in North America authorized to accept and hold London Good Delivery bars will likely retain its London Good Delivery status while in the custody of such institution; physical silver bullion delivered pursuant to a Unitholder's delivery instruction to a destination other than an institution located in North America authorized to accept and hold London Good Delivery bars will no longer be deemed London Good Delivery once received by the Unitholder. The armored transportation service carrier will receive silver bullion in connection with a redemption of Units approximately 10 Business Days after the end of the month in which the redemption notice is processed. Any cash to be received by a redeeming Unitholder in connection with a redemption of Units for physical silver bullion will be delivered to the Unitholder's brokerage account within 10 Business Days after the calendar month in which the redemption is processed.

Redemption for Cash

Subject to the terms of the trust agreement and the Manager's right to suspend redemptions under certain circumstances described in the registration statement, Units may be redeemed at the option of a Unitholder for cash on a monthly basis. Units redeemed for cash will be entitled to a redemption price equal to 95% of the lesser of (i) the volume-weighted average trading price of the Units traded on the NYSE Arca or, if trading has been suspended on NYSE Arca, the trading price of the units traded on the Toronto Stock Exchange, for the last five Business Days of the month in which the redemption request is processed and (ii) the NAV of the redeemed Units as of 4:00 p.m., Eastern Standard Time, on the last Business Day of such month. Cash redemption proceeds will be transferred to a redeeming Unitholder approximately three Business Days after the end of the month in which the redemption notice is processed. See "Redemption of Units" for detailed terms and conditions relating to the redemption of Units for cash.

A redemption notice to redeem Units for cash must be received by the Trust's transfer agent no later than 4 p.m. Eastern Standard Time, on the 15th day of the calendar month in which the redemption notice will be processed or, if such day is not a Business Day, then on the immediately following day that is a Business Day. Any redemption notice to redeem Units for cash received after such time will be processed in the next month.

Termination Events

The Trust will be terminated in the event there are no Units outstanding, the Trustee resigns or is removed and no successor trustee is appointed by the Manager by the time the resignation or removal becomes effective, the Manager resigns and no successor manager is appointed by the Manager and approved by Unitholders by the time the resignation becomes effective, the Manager is, in the opinion of the Trustee, in material default of its obligations under the trust agreement and does not cure such default within a certain time period, the Manager experiences certain insolvency events or the assets of the Manager have become subject to seizure or confiscation by any public or governmental authority. In addition, the Manager may, in its discretion, terminate the Trust, without Unitholder approval, if, in the opinion of the Manager, after consulting with the independent review committee, the value of net assets of the Trust has been reduced such that it is no longer economically feasible to continue the Trust and it would be in the best interests of the Unitholders to terminate the Trust, by giving the Trustee and each holder of Units at the time not less than 60 days and not more than 90 days' written notice prior to the effective date of the termination of the Trust.[20] To the extent such termination in the discretion of the Manager may involve a matter that would be a "conflict of interest matter" as set forth in applicable Canadian regulations, the matter will be referred by the Manager to the independent review committee established by the Manager for its recommendation. In connection with the termination of the Trust, the Trust shall, to the extent possible, convert its assets to cash and, after paying or making adequate provision for all of the Trust's liabilities, distribute the net assets of the Trust to Unitholders, on a pro rata basis, as soon as practicable after the termination date. Additional information regarding the Units and the operation of the Trust, including termination events, risks, and redemption procedures, are described in the Registration Statement.

[20] *See* e-mail, dated October 5, 2010, from Tim Malinowski, Senior Director, NYSE Euronext, to Christopher Chow, Special Counsel, and Steve Varholik, Special Counsel, Commission.

Valuation of Silver and Definition of Net Asset Value

The value of the net assets of the Trust and the NAV will be determined daily at 4 p.m. (Eastern Standard Time) on each day that is a Business Day, by the Trust's valuator, which is RBC Dexia Investor Services Trust. The value of the net assets of the Trust as of the valuation time on any such day shall be equal to the aggregate fair market value of the assets of the Trust as of such date, less an amount equal to the total liabilities of the Trust (excluding all liabilities represented by outstanding Units) as of such date. The valuator shall calculate the NAV by dividing the value of the net assets of the Trust on that day by the total number of Units then outstanding on such day.

The Units will be book-entry only and individual certificates will not be issued for the Units (except in connection with a redemption of Units, during the process of which redeeming Units will be certificated and presented for cancellation as part of the redemption process).

Availability of Information Regarding Silver Prices

Currently, the Consolidated Tape Plan does not provide for dissemination of the spot price of a commodity, such as silver, over the Consolidated Tape. However, there will be disseminated over the Consolidated Tape the last sale price for the Units, as is the case for all equity securities traded on the Exchange (including exchange-traded funds). In addition, there is a considerable amount of silver price and silver market information available on public Web sites and through professional and subscription services.

Investors may obtain on a 24-hour basis silver pricing information based on the spot price for an ounce of silver from various financial information service providers, such as Reuters and Bloomberg. Reuters and Bloomberg provide at no charge on their Web sites delayed information regarding the spot price of silver and last sale prices of silver futures, as well as information about news and developments in the silver market. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on silver prices directly from market participants. An organization named EBS provides an electronic trading platform to institutions such as bullion banks and dealers for the trading of spot silver, as well as a feed of live streaming prices to Reuters and Moneyline Telerate subscribers. Complete real-time data for silver futures and options prices traded on the COMEX are available by subscription from Reuters and Bloomberg. The NYMEX also provides delayed futures and options information on current and past trading sessions and market news free of charge on its Web site. There are a variety of other public Web sites providing information on silver, ranging from those specializing in precious metals to sites maintained by major newspapers, such as The Wall Street Journal. In addition, the daily London noon Fix is publicly available at no charge at or *http://www.thebulliondesk.com.*

The Trust Web site will provide an intraday indicative value ("IIV") per share for the Units, as calculated by a third party financial data provider during the Exchange's Core Trading Session (9:30 a.m. to 4 p.m., New York time). The IIV will be calculated based on a price of silver derived from updated bids and offers indicative of the spot price of silver.[21] In addition, the Web site for the Trust will contain the following information, on a per Unit basis, for the Trust: (a) The mid-point of the bid-ask price [22] at the close of trading in relation to the NAV as of the time the NAV is calculated ("Bid/Ask Price"), and a calculation of the premium or discount of such price against such NAV; and (b) data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. The Web site for the Trust will also provide the Trust's prospectus, as well as the two most recent reports to stockholders. Finally, the Trust Web site will provide the last sale price of the Units as traded in the US market. In addition, the Exchange will make available over the Consolidated Tape quotation information, trading volume, closing prices and NAV for the Units from the previous day.

Criteria for Initial and Continued Listing

The Trust will be subject to the criteria in NYSE Arca Equities Rule 8.201(e) for initial and continued listing of the Units.

It is anticipated that a minimum of 1,000,000 [23] Units will be required to be outstanding at the start of trading. The minimum number of Units required to be outstanding exceeds the requirements that have been applied to previously listed shares of the streetTRACKS Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust and exchange-traded funds. There will be a minimum of 400 [24] Unitholders at the start of trading. Additionally, it is anticipated that the initial price of a Unit will be approximately $10.00. The Exchange believes that the anticipated minimum number of Units outstanding at the start of trading is sufficient to provide adequate market liquidity. Prior to listing, the Trust will represent to the Exchange that the NAV would be calculated daily and made available to all market participants at the same time. Prior to listing, the Trust will also represent to the Exchange that the IIV will be calculated at least every fifteen seconds and made available to all market participants at the same time.

Trading Rules

The Exchange deems the Units to be equity securities and subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Units on the Exchange will occur in accordance with NYSE Arca Equities Rule 7.34(a). The Exchange has appropriate rules to facilitate transactions in the Units during all trading sessions.

Further, NYSE Arca Equities Rule 8.201 sets forth certain restrictions on ETP Holders acting as registered Market Makers in the Units to facilitate surveillance. Pursuant to NYSE Arca Equities Rule 8.201(g), an ETP Holder acting as a registered Market Maker in the Units is required to provide the Exchange with information relating to its trading in the underlying silver, related futures or options on futures, or any other related derivatives. Commentary .04 of NYSE Arca Equities Rule 6.3 requires an ETP Holder acting as a registered Market Maker in the Units from using any material nonpublic information received from any person associated with an ETP Holder or employee of such person regarding trading by such person or employee in the underlying silver, related futures or options on futures or any other related derivative (including the Units).

As a general matter, the Exchange has regulatory jurisdiction over its ETP

[21] The IIV on a per Unit basis disseminated during the Core Trading Session should not be viewed as a real-time update of the NAV, which is calculated once a day.

[22] The bid-ask price of the Trust is determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day NAV.

[23] The minimum number of Units issued is comparable to the minimum threshold established for the issuance of equity linked notes under NYSE Arca Rule 5.2(j)(2).

[24] The minimum number of holders is comparable to the minimum threshold established for the issuance of equity linked notes under NYSE Arca Rule 5.2(j)(2).

Holders and their associated persons, which include any person or entity controlling an ETP Holder, as well as a subsidiary or affiliate of an ETP Holder that is in the securities business. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Units. Trading on the Exchange in the Units may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Units inadvisable. These may include: (1) The extent to which conditions in the underlying silver market have caused disruptions and/or lack of trading, or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present, or (3) if the Toronto Stock Exchange halts trading in the Units. In addition, trading in Units will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's "circuit breaker" rule.[25]

Surveillance

The Exchange intends to utilize its existing surveillance procedures applicable to derivative products (including Commodity-Based Trust Shares) to monitor trading in the Units. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Units in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The Exchange's current trading surveillance focuses on detecting securities trading outside their normal patterns. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. Also, pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Units and the underlying silver, silver futures contracts, options on silver futures, or any other silver derivative, through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market. In addition, the Exchange may obtain trading information via the Intermarket Surveillance Group ("ISG") from other exchanges who are members of the ISG.[26]

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Units. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Units; (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Units; (3) how information regarding the IIV is disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Units prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Units may widen as a result of reduced liquidity of silver trading during the Core and Late Trading Sessions after the close of the major world silver markets; and (6) trading information. For example, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Trust. ETP Holders purchasing Units from the Trust for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses described in the Registration Statement. The Information Bulletin will also reference the fact that there is no regulated source of last sale information regarding physical silver, that the Commission has no jurisdiction over the trading of silver as a physical commodity, and that the CFTC has regulatory jurisdiction over the trading of silver futures contracts and options on silver futures contracts.

The Information Bulletin will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[27] in general, and furthers the objectives of Section 6(b)(5),[28] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of commodity-based product that will enhance competition among market participants, to the benefit of investors and the marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

[25] *See* NYSE Arca Equities Rule 7.12.

[26] A list of ISG members is available at *http://www.isgportal.org/isgportal/public/members.htm.* Trading information can be obtained from the Investment Industry Regulatory Organization of Canada, a member of ISG, who oversees Canadian broker dealers and trading activity on the Toronto Stock Exchange. The Exchange notes that the New York Mercantile Exchange, of which the COMEX is a division, is an ISG member, however, the Tokyo Commodity Exchange ("TOCOM") is not an ISG member and the Exchange does not have in place a comprehensive surveillance sharing agreement with such market.

[27] 15 U.S.C. 78f(b).

[28] 15 U.S.C. 78f(b)(5).

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–NYSEArca–2010–84 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2010–84. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *http://www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NYSEArca–2010–84 and should be submitted on or before November 2, 2010.

V. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful consideration, 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.[29] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[30] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market, a national market system, and in general, to protect investors and the public interest.

In addition, the Commission finds that the proposal to list and trade Units on the Exchange is consistent with Section 11(a)(1)(C)(iii) of the Act,[31] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors to assure the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information for the Units will be available via the Consolidated Tape Association.[32] The Trust's Web site will provide an IIV per share for the Units, as calculated by a third party financial data provider during the Exchange's Core Trading Session (9:30 a.m. to 4 p.m., New York time). The IIV will be calculated based on a price of silver derived from updated bids and offers indicative of the spot price of silver. In addition, the Web site for the Trust will contain the following information, on a per Unit basis, for the Trust: (a) The mid-point of the Bid/Ask Price and a calculation of the premium or discount of such price against such NAV; and (b) data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. The Web site for the Trust also will provide the Trust's prospectus, as well as the two most recent reports to stockholders. Further, the Exchange will make available over the Consolidated Tape quotation information, trading volume, closing prices and NAV for the Units from the previous day. Finally, information on silver prices and markets is widely available as discussed above.

The Commission further believes that the proposal to list and trade the Units is reasonably designed to promote fair disclosure of information that may be necessary to price the Units appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. Under NYSE Arca Equities Rule 7.34(a)(5), if the Exchange becomes aware that the NAV is not being disseminated to all market participants at the same time, it must halt trading on the NYSE Marketplace until such time as the NAV is available to all market participants. The Commission notes that the Exchange will receive a representation from the Trust that, prior to listing, the NAV would be calculated daily and made available to all market participants at the same time. Additionally, if the IIV is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs; if the interruption persists past the day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.[33] Additionally, under NYSE Arca Rules 8.201(e)(2)(iv) and (v), the Exchange will consider suspending or delisting the Units if, after the initial 12-month period following commencement of trading: (1) The value of silver is no longer calculated or available on at least a 15-second delayed basis from a source unaffiliated with the Sponsor, Trust, custodian or the Exchange stops providing a hyperlink on its Web site to any such unaffiliated commodity value; or (2) if the IIV is no longer made available on at least a 15-second delayed basis. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Units. These may include: (1) The extent to which conditions in the underlying silver market have caused disruptions and/or lack of trading; (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present; or (3) if the Toronto Stock Exchange halts trading in the Units. In addition, trading in Units will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's "circuit breaker" rule.[34]

[29] In approving the proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 15 U.S.C. 78f(b)(5).

[31] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[32] The Trust Web site also will provide the last-sale price of the Units as traded in the US market.

[33] *See* e-mail, dated September 29, 2010, from Tim Malinowski, Senior Director, NYSE Euronext, to Christopher Chow, Special Counsel, Commission.

[34] *See* NYSE Arca Equities Rule 7.12.

In addition, NYSE Arca Equities Rule 8.201 sets forth certain requirements for ETP Holders acting as Market Makers in the Units. Pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Units and the underlying silver, silver futures contracts, options on silver futures, or any other silver derivative, through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades through ETP Holders which they effect on any relevant market. In addition, the Exchange may obtain trading information via the Intermarket Surveillance Group ("ISG") from other exchanges who are members of the ISG.[35]

Finally, the Commission notes that Commentary .04 to NYSE Arca Equities Rule 6.3 requires among other things that ETP Holders acting as a registered Market Maker in products listed under NYSE Arca Equities Rule 8.201 (and their affiliates) must establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of any material nonpublic information with respect to such products, any physical asset or commodity underlying the product, related futures or options on futures, and any related derivative instruments.

In support of this proposal, the Exchange has made representations including:

(1) The Units will be subject to the initial and continued listing criteria under NYSE Arca Equities Rule 8.201.

(2) The Exchange's surveillance procedures are adequate to properly monitor Exchange trading of the Units in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. Pursuant to NYSE Arca Equities Rule 8.201(g), the Exchange is able to obtain information regarding trading in the Units and the underlying silver, silver futures contracts, options on silver futures, or any other silver derivative through ETP Holders acting as registered Market Makers, in connection with such ETP Holders' proprietary or customer trades which they effect on any relevant market. In addition, the Exchange may obtain trading information via ISG from other exchanges who are members of the ISG and from the Investment Industry Regulatory Organization of Canada.

(3) Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Units. Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Units; (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Units; (3) how information regarding the IIV is disseminated; (4) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Units prior to or concurrently with the confirmation of a transaction; (5) the possibility that trading spreads and the resulting premium or discount on the Units may widen as a result of reduced liquidity of silver trading during the Core and Late Trading Sessions after the close of the major world silver markets; and (6) trading information.

This approval order is based on the Exchange's representations.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[36] for approving the proposed rule change prior to the 30th day after publication of notice in the **Federal Register**. The Exchange's proposal to list and trade the Units does not present any novel or significant regulatory issues. Previously, the Commission approved a proposal by the Exchange to list and trade shares of a substantially similar trust that holds gold bullion pursuant to NYSE Arca Equities Rule 8.201.[37] Additionally, the Commission has previously approved proposals to list and trade shares of trusts that hold silver bullion pursuant to NYSE Arca Equities Rule 8.201.[38]

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[39] that the proposed rule change (SR–NYSEArca–2010–84) be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–25496 Filed 10–8–10; 8:45 am]

BILLING CODE 8011–01–P

[35] *See supra* note 26 for additional information regarding ISG.

[36] 15 U.S.C. 78s(b)(2).

[37] *See* Securities Exchange Act Release No. 61496, *supra* note 10.

[38] *See supra* notes 6, 7, and 8. *See also supra* notes 9–12.

[39] 15 U.S.C. 78s(b)(2).

[40] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63036; File No. SR–Phlx–2010–131]

Self-Regulatory Organizations; NASDAQ OMX PHLX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Update Rule 1014

October 4, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 27, 2010, NASDAQ OMX PHLX, Inc. ("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 revise Rule 1014, Obligations and Restrictions Applicable to Specialists and Registered Options Traders, to delete provisions related to: (i) The obsolete terms AUTOM, Streaming Quote Option, electronic interface, AUTO–X, Book Sweep and Book Match; (ii) "trading on Phlx XL"; (iii) the use of trading floor tickets; and (iii) [sic] subparagraphs (g)(iii) and (iv), the New Unit/New Option Enhanced Specialist Participation and New Product Enhanced Specialist Participation, respectively. The Exchange also proposes to make corollary changes to Floor Procedure Advice B–6, Priority of Options Orders for Equity Options, Index Options and U.S. Dollar-Settled Foreign Currency Options by Account Type, as explained further below.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXfilings,* at the principal office of the Exchange, at the Commission's Public Reference Room, and on the Commission's Web site at *http://www.sec.gov.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 clarify various provisions in Rule 1014. Specifically, certain terms are obsolete, given the Exchange's current use of the Phlx XL II System; these include: Streaming Quote Options, electronic interface, AUTO–X, Book Sweep and Book Match. Once the Exchange began enhancing its electronic trading systems, these provisions became outdated. For the same reason, references to "trading on Phlx XL" are both incorrect and unnecessary; all trading occurs through Phlx XL II.[3] The same changes are proposed to Advice B–6 as well, which is part of the Exchange's minor rule plan.[4]

The reference to trading floor tickets in Rule 1014(g)(i)(A)(1) and Advice B–6, Section B is being deleted, because Floor Brokers have long been required to record certain information into the Floor Broker Management System ("FBMS"), pursuant to Rule 1063.

In addition, the Exchange proposes to delete subparagraphs (g)(iii), New Unit/New Option Enhanced Specialist Participation, and (g)(iv), New Product Enhanced Specialist Participation, because these are no longer applied. All options are subject to the Specialist Enhanced Participation in Rule 1014(g)(ii), which then applies to manual trades on the trading floor by virtue of Rule 1014(g)(v) and to automatically executed trades through Phlx XL II by virtue of Rule 1014(g)(v)(ii). Accordingly, references to these now-deleted sub-paragraphs (g)(iii) and (g)(iv) are also being deleted in several places in Rule 1014. In addition, in Rule 1014(g)(ii), subparagraph (A) is proposed to be deleted, because it covers how it is determined what options are subject to the enhanced specialist participation, which is no longer relevant. The same changes are proposed to Advice B–6, Sections (C), (D) and (E).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed 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 updating an Exchange rule.

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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

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–2010–131 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–2010–131. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro/shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and

[3] The Exchange intends to separately update the use of the terms "Phlx XL" and "Phlx XL II" in various other rules in a separate proposed rule change.

[4] The Exchange's minor rule plan consists of options floor procedure advices ("OFPAs" or "Advices") with preset fines, pursuant to Rule 19d–1(c) under the Act. 17 CFR 240.19d–1(c). Most OFPAs have corresponding options rules.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. Phlx has satisfied this requirement.

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 No. SR–Phlx–2010–131 and should be submitted on or before November 2, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–25495 Filed 10–8–10; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2010–0015]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Internal Revenue Service (IRS))—Match Number 1016

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of an existing computer matching program that is scheduled to expire on December 31, 2010.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting with IRS.

DATES: IRS will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966-0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel as shown above.

[9] 17 CFR 200.30–3(a)(12).

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal Government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Jonathan R. Cantor,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA With the Internal Revenue Service (IRS)

A. PARTICIPATING AGENCIES:

SSA and IRS.

B. PURPOSE OF THE MATCHING PROGRAM:

The purpose of this matching program is to establish the terms under which IRS will disclose to us certain return information for use in verifying eligibility for, and/or the correct amount of, benefits provided under Title XVI of the Social Security Act (Act) to qualified aged, blind, and disabled persons, and Federally administered supplementary payments of the type described in section 1616(a) of such Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66, 87 Stat. 152).

C. AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

Public Law 98–369, Deficit Reduction Act of 1984, requires agencies administering certain Federally-assisted benefit programs to use certain information to ensure proper distribution of benefit payments.

Section 6103(l)(7) of the Internal Revenue Code (I.R.C.) (26 U.S.C. 6103(l)(7)) authorizes IRS to disclose return information with respect to unearned income to Federal, State, and local agencies administering certain Federally-assisted benefit programs under the Act and the Food Stamp Act of 1977.

Section 1631(e)(1)(B) of the Act (42 U.S.C. 1383(e)(1)(B)) requires verification of Supplemental Security Income (SSI) eligibility and benefit amounts with independent or collateral sources. This section of the Act also provides that the "Commissioner of Social Security shall, as may be necessary, request and utilize information available pursuant to section 6103(l)(7) of the Internal Revenue Code of 1986" for purposes of Federally administered supplementary payments of the type described in section 1616(a) of the Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93–66).

D. CATEGORIES OF RECORDS AND PERSONS COVERED BY THE MATCHING PROGRAM:

We will provide IRS with identifying information with respect to applicants for and recipients of title XVI benefits available under programs specified in this Agreement from the Supplemental Security Income Record and Special Veterans Benefit (SSR), SSA/OASSIS 60–0103, as published at 71 FR 1795 (January 11, 2006). IRS will extract return information with respect to unearned income from the Information Return Master File (IRMF), Treas/IRS 22.061, as published at 73 FR 42159 (July 25, 2006), through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) program.

E. INCLUSIVE DATES OF THE MATCHING PROGRAM:

The matching program will become effective no sooner than 40 days after notice of the matching program is sent to Congress and OMB, or 30 days after

publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2010–25526 Filed 10–8–10; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 7201]

Waiver Pursuant to Section 7076(d)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111–117) Relating to Assistance for the Government of Afghanistan

Pursuant to the authority vested in me as Secretary of State, including under section 7076(d)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111–117) ("the Act"), I hereby waive the requirement in section 7076(d)(2) of the Act to certify that the Government of Afghanistan is cooperating fully with United States efforts against the Taliban and Al Qaeda and to reduce poppy cultivation and illicit drug trafficking and report that it is vital to the national security interests of the United States to do so.

This waiver shall be reported to the Congress promptly and published in the **Federal Register.**

Dated: September 28, 2010.

Hillary Rodham Clinton,

Secretary of State.

[FR Doc. 2010–25609 Filed 10–8–10; 8:45 am]

BILLING CODE 4710–17–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2010–0025]

WTO Dispute Settlement Proceeding Regarding United States—Final Antidumping Measures on Stainless Steel from Mexico

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USTR") is providing notice that pursuant to a request by Mexico under the *Marrakesh Agreement Establishing the World Trade Organization* ("WTO Agreement"), the Dispute Settlement Body of the World Trade Organization ("WTO") has referred a matter concerning the dispute *United States—Final Antidumping Measures on Stainless Steel from Mexico* to a panel. The request may be found at *http://www.wto.org* in document WT/DS344/20. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before November 12, 2010, to be assured of timely consideration by USTR.

ADDRESSES: Comments should be submitted electronically to *www.regulations.gov*, docket number USTR–2010–0025. If you are unable to provide submissions by *http://www.regulations.gov,* please contact Sandy McKinzy at (202) 395–9483 to arrange for an alternative method of transmission. If (as explained below), the comment contains confidential information, then the comment should be submitted by fax only to Sandy McKinzy at (202) 395–3640.

FOR FURTHER INFORMATION CONTACT: María L. Pagán, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395–7305.

SUPPLEMENTARY INFORMATION: USTR is providing notice that the Dispute Settlement Body ("DSB") has, at the request of Mexico, referred a matter to a dispute settlement panel pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). The panel will hold any meetings with the parties to the dispute in Geneva, Switzerland.

Major Issues Raised by Mexico

In its request for the establishment of a panel, Mexico alleges that the United States has not fully implemented the recommendations and rulings of the DSB in the dispute *United States—Final Antidumping Measures on Stainless Steel from Mexico.* The recommendations and rulings stem from the DSB's adoption of the panel and Appellate Body reports in that dispute, which can be found at *http://www.wto.org* in documents WT/DS344/R and WT/DS344/AB/R, respectively.

Mexico states that the DSB made recommendations and rulings that the use of simple zeroing in administrative reviews is "as such" inconsistent with Article VI:2 of the GATT 1994 and Article 9.3 of the Antidumping Agreement. Mexico alleges that the United States has taken no steps to eliminate simple zeroing in administrative reviews, thereby failing to implement the DSB's recommendations and rulings in this regard by the end of the reasonable period of time ("RPT") or thereafter. Mexico alleges that the United States continues to act inconsistently with Articles 17.14, 21.1, and 21.3 of the DSU, Articles 2.1, 2.4, and 9.3 of the Antidumping Agreement, and Article VI:2 of the GATT 1994.

In addition, Mexico states that the DSB made recommendations and rulings that the United States acted inconsistently with Article VI:2 of the GATT 1994 and Article 9.3 of the Antidumping Agreement by applying simple zeroing in five administrative reviews at issue in the dispute (identified as cases 1 through 5 in the Annex to Mexico's request). Mexico alleges that the margins of dumping calculated in these five administrative reviews continue to have legal effects after the end of the RPT and have been relied upon by the U.S. Department of Commerce ("USDOC") in several subsequent closely connected measures, including in the 2005 and 2010 "sunset" reviews and in revocation decisions made in the context of subsequent antidumping administrative reviews, including the 7th and 9th administrative reviews. Mexico alleges that the United States has failed to adopt any measures by the end of the RPT or thereafter to implement the DSB's recommendations and rulings regarding the use of simple zeroing in administrative reviews 1 through 5, and therefore is acting inconsistently with Articles 17.14, 21.1, and 21.3 of the DSU, Articles 2.1, 2.4, and 9.3 of the Antidumping Agreement, and Article VI:2 of the GATT 1994.

Furthermore, Mexico alleges that the United States has failed to take action to bring certain "closely connected measures" into compliance with U.S. WTO obligations and, that by continuing to use simple zeroing in subsequent "closely connected measures," has imposed, assessed, and/or collected antidumping duties in excess of the proper margin of dumping. Mexico alleges that the United States is therefore imposing duties on the importation of Mexican goods in excess of the duties permitted under the U.S. Schedule of Concessions and otherwise nullifies or impairs benefits accruing to Mexico under the covered agreements. Mexico alleges that as a result the United States is acting inconsistently with Articles 17.14, 21.1, and 21.3 of the DSU, Articles 2.1, 2.4, 9.3, 11.2, and 11.3 of the Antidumping Agreement, and Article VI:2 of the GATT 1994. The alleged "closely connected measures" are:

(i) The six subsequent administrative reviews of the same antidumping duty

order on stainless steel sheet and strip in coils from Mexico (identified as cases 6 through 11 in the Annex to Mexico's request), and any subsequent amendments to the same, in which margins of dumping for cash deposit purposes and assessment amounts are calculated using simple zeroing;

(ii) The 2005 and 2010 five-year "sunset" reviews of the antidumping order on stainless steel sheet and strip in coils from Mexico (identified as cases 12 and 13 in the Annex to Mexico's request), and any subsequent amendments to the same, in which the USDOC relied upon margins of dumping calculated using simple zeroing;

(iii) All other subsequent closely connected measures taken by the United States in relation to the antidumping order on stainless steel sheet and strip in coils from Mexico in which USDOC calculated, or relied upon, margins of dumping calculated using simple zeroing or model zeroing, including the negative "absence of dumping" revocation determinations pursuant made in the 7th and 9th administrative reviews (identified as cases 7 and 9 in the Annex to Mexico's request), and any subsequent amendments to the same; and

(iv) Any other determinations and measures that derive mechanically from the measures described in paragraphs (i) to (iii) that bear a close nexus to the referenced five originally challenged administrative reviews including any instructions and notices issued pursuant thereto, and any subsequent amendments to the same.

Finally, Mexico alleges that U.S. measures taken to comply, if and to the extent they exist, are inconsistent with Articles 2.1, 2.4, 9.3, 11.2, and 11.3 of the Antidumping Agreement and Articles II:1(a), II:1(b), VI:1, and VI:2 of the GATT 1994.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit public comments electronically to *http://www.regulations.gov* docket number USTR–2010–0025. If you are unable to submit comments using *http://www.regulations.gov*, please contact Sandy McKinzy at (202) 395–9483 to arrange for an alternative method of transmission.

To submit comments via *http://www.regulations.gov*, enter docket number USTR–2010–0025 on the home page and click "search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search results page, and click on the link entitled "Submit a Comment." (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the "Help" link at the top of the home page.)

The *http://www.regulations.gov* Web site provides the option of providing comments by filling in a "Type Comment and Upload File" field, or by attaching a document. It is expected that most comments will be provided in an attached document. If a document is attached, it is necessary and sufficient to type "*See* attached" in the "Type Comment and Upload File" field.

A person requesting that information contained in a comment submitted by that person be treated as business confidential information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Business confidential information must be clearly designated as such and the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395–3640. A non-confidential summary of the confidential information must be submitted to *http://www.regulations.gov*. The non-confidential summary will be placed in the docket and open to public inspection.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page; and

(3) Must provide a non-confidential summary of the information or advice.

Any comment containing confidential information must be submitted by fax to Sandy McKinzy at (202) 395–3640. A non-confidential summary of the confidential information must be submitted to www.regulations.gov. The non-confidential summary will be placed in the docket and open to public inspection.

USTR will maintain a docket on this dispute settlement proceeding accessible to the public. The public file will include non-confidential comments received by USTR from the public with respect to the dispute. If a dispute settlement panel is convened or in the event of an appeal from such a panel, the U.S. submissions, any non-confidential submissions, or non-confidential summaries of submissions, received from other participants in the dispute, will be made available to the public on USTR's Web site at *http://www.ustr.gov*, and the report of the panel, and, if applicable, the report of the Appellate Body, will be available on the Web site of the World Trade Organization, *http://www.wto.org*.

Comments will be placed in the docket and open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15 or information determined by USTR to be confidential in accordance with 19 U.S.C. 2155(g)(2). Comments open to public inspection may be viewed on the *http://www.regulations.gov* Web site.

Steven F. Fabry,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 2010–25638 Filed 10–8–10; 8:45 am]

BILLING CODE 3190–W1–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2010–0126]

Reports, Forms and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed extension, without change, of a currently approved collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, the agency must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. In compliance with the Paperwork Reduction Act of 1995, this notice

describes one collection of information for which NHTSA intends to seek OMB approval, relating to confidential business information.

DATES: Comments must be submitted on or before December 13, 2010.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

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

Regardless of how you submit your comments, please be sure to mention the docket number of this document and cite OMB Clearance No. 2127–0025, "49 CFR Part 512, Confidential Business Information."

You may call the Docket at (202) 366–9322.

Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below.

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

FOR FURTHER INFORMATION CONTACT: For questions contact Nicholas Englund in the Office of the Chief Counsel at the National Highway Traffic Safety Administration, telephone (202) 366–5263.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected; and

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comment on the following extension of clearance for a currently approved collection of information:

Confidential Business Information

Type of Request—Extension of clearance.

OMB Clearance Number—2127–0025.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three (3) years from the date of approval of the collection.

Summary of the Collection of Information—Persons who submit information to the agency and seek to have the agency withhold some or all of that information from disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552, must provide the agency with sufficient support that justifies the confidential treatment of that information. In addition, a request for confidential treatment must be accompanied by: (1) A complete copy of the submission; (2) a copy of the submission containing only those portions for which confidentiality is not sought with the confidential portions redacted; and (3) either a second complete copy of the submission or alternatively those portions of the submission that contain the information for which confidentiality is sought. Furthermore, the requestor must submit a completed certification as provided in 49 CFR Part 512, Appendix A. *See generally* 49 CFR Part 512 (NHTSA Confidential Business Information regulations).

Part 512 ensures that information submitted under a claim of confidentiality is properly evaluated in an efficient manner under prevailing legal standards and, where appropriate, accorded confidential treatment. To facilitate the evaluation process, in their requests for confidential treatment, submitters of information may make reference to certain limited classes of information that are presumptively treated as confidential, such as blueprints and engineering drawings, future specific model plans (under limited conditions), and future vehicle production or sales figures for specific models (under limited conditions). Further, most early warning reporting (EWR) data are confidential under class determinations provided in 49 CFR Part 512, with the exception of information on death, injury, and property damage claims and notices, which would be handled on an individual basis according to the procedures of Part 512 and are, therefore, covered by this notice. 72 FR 59434 (Oct. 19, 2007).

Description of the Need for the Information and Use of the Information—NHTSA receives confidential information for use in its activities, which include investigations, rulemaking actions, program planning and management, and program evaluation. The information is needed to ensure the agency has sufficient relevant information for decision-making in connection with these activities. Some of this information is submitted voluntarily, as in rulemaking, and some is submitted in response to compulsory information requests, as in investigations.

Description of the Likely Respondents, Including Estimated Number and Proposed Frequency of Response to the Collection of Information—This collection of information applies to entities that submit to the agency information that the entities wish to have withheld from disclosure under the FOIA. Thus, the collection of information applies to entities that are subject to laws administered by the agency or agency regulations and are under an obligation to provide information to the agency. It also includes entities that voluntarily submit information to the agency. Such entities would include manufacturers of motor vehicles and of motor vehicle equipment. Importers are considered to be manufacturers. It may also include other entities that are involved with motor vehicles or motor vehicle equipment but are not manufacturers.

Estimate of the Total Annual Reporting and Recordkeeping Burdens Resulting from the Collection of Information—3,600 hours.

The agency receives requests for confidential treatment that vary in size from requests that ask the agency to

withhold as little as a portion of one page to multiple boxes of documents. NHTSA estimates that it will take on average approximately eight (8) hours for an entity to prepare a submission requesting confidential treatment. This estimate will vary based on the size of the submission, with smaller and voluntary submissions taking considerably less time to prepare. The agency based this estimate on the volume of requests received over the past three years.

NHTSA estimates that it will receive approximately 450 requests for confidential treatment annually. This figure is based on the average number of requests received over the past three years. We selected this period because it provides an estimate based on incoming requests for the most recent three years. The agency estimates that the total burden for this information collection will be approximately 3,600 hours, which is based on the number of requests (450) multiplied by the estimated number of hours to prepare each submission (8 hours).

Since nothing in the rule requires those persons who request confidential treatment pursuant to Part 512 to keep copies of any records or requests submitted to us, recordkeeping costs imposed would be zero hours and zero costs.

Authority: 44 U.S.C. 3506; delegation of authority at 49 CFR 1.50.

Issued on: October 4, 2010.

O. Kevin Vincent,

Chief Counsel.

[FR Doc. 2010–25485 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Cancellation of Preparation of Environmental Impact Statement for the Tucson International Airport, Tucson, Pima County, AZ

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of cancellation of preparation of environmental impact statement.

SUMMARY: The Federal Aviation Administration (FAA) announces that it has decided to discontinue preparation of an Environmental Impact Statement (EIS) for the proposed relocation of Runway 11R/29L and associated development at Tucson International Airport. The FAA's decision to discontinue preparation of the EIS is based upon the results from a planning effort completed by the Tucson Airport Authority (TAA), the owner and operator of the airport. This planning effort reveled the project purpose and need has changed significantly. As a result, FAA has determined the new runway proposal at Tucson International Airport is not ripe for decision at this time.

FOR FURTHER INFORMATION CONTACT: Roxana Hernandez, Environmental Protection Specialist, Federal Aviation Administration, Western-Pacific Region, Los Angeles Airports District Office, P.O. Box 92007, Los Angeles, CA 90009–2007, Telephone: (310) 725–3614.

SUPPLEMENTARY INFORMATION: On October 13, 2005, the FAA, published in the **Federal Register** a Notice of Intent to prepare an Environmental Impact Statement (EIS) and hold a Public Scoping Meeting at Tucson International Airport (Volume 70, Number 197, FR 59800–59801). The EIS and Public Scoping Meeting were to address the proposed relocation of Runway 11R/29L and associated development at airport.

In 2005, the FAA based its decision to prepare the EIS on the procedures described in FAA Order 5050.4A, *Airport Environmental Handbook,* and FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures.* FAA also based its decision to prepare a federal EIS primarily on TAA's proposal to relocate Runway 11R/29L, 450 feet to the southwest, creating a centerline to centerline separation of 1,156 feet between the existing Runway 11L29R. The length of the relocated Runway 11R/29L would have been 11,000 feet long by 150 feet wide.

Recently, the TAA completed a planning effort that reveled that the project's purpose and need changed significantly. Therefore, when the TAA submits a new Airport Layout Plan with a revised project depicted on it, the FAA will determine the appropriate National Environmental Policy Act (NEPA) documentation necessary to assess the environmental effects of those improvements pursuant to FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions,* and FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures.*

Issued in Hawthorne, California on September 30, 2010.

Debbie Roth,

Acting Manager, Airports Division, Western—Pacific Region, AWP–600.

[FR Doc. 2010–25483 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Davis County, UT

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: FWHA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for proposed transportation improvements in Davis County, Utah.

FOR FURTHER INFORMATION CONTACT: Edward Woolford, Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84118, Telephone: (801) 955–3500, e-mail *Edward.Woolford@dot.gov;* or Charles Mace, Project Manager, Utah Department of Transportation, Region One Office, 166 West Southwell Street, Ogden, UT 84404–4194, Telephone: (801) 620–1685, e-mail *cmace@utah.gov.*

SUPPLEMENTARY INFORMATION: FWHA, in cooperation with the Utah Department of Transportation (UDOT), will prepare an EIS on a proposal to address current and projected traffic demand on 1800 North (SR–37) in the cities of Clinton and Sunset in Davis County, Utah. The proposed project area extends from 2000 West to I–15 along 1800 North, a distance of approximately 2 miles. Transportation improvements in this area are needed to address current and projected 2040 traffic demand along the existing two-lane 1800 North corridor, provide better east-west access, and improve safety.

The FHWA will consider a reasonable range of alternatives that meet the project purpose and need and are based on agency and public input. These alternatives include: (1) Taking no action; (2) using alternate travel modes; (3) upgrading and adding lanes to the existing roadway network, including 1800 North; (4) a grade separation at the Union Pacific Railroad crossing on 1800 North; (5) a new interchange on I–15 at 1800 North; (6) improving adjacent interchanges on I–15; (7) combinations of any of the above; and (8) other feasible alternatives identified during the scoping process.

A Coordination Plan is being prepared to define the agency and public participation procedure for the environmental review process. The plan will outline how agencies and the public will provide input during the scoping process, the development of the

purpose and need, and alternatives development.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, state, and local agencies, as well as to Native American tribes, and to private organizations and citizens who have previously expressed, or who are known to have, an interest in this proposal. These letters will invite agencies, tribes, and the public to participate in scoping meetings at locations and dates to be determined.

Public meetings will be held to allow the public, as well as Federal, state, and local agencies, and tribes, to provide comments on the purpose and need for the project, potential alternatives, and social, economic, and environmental issues of concern.

In addition, a public hearing will be held following the release of the draft EIS. Public notice advertisements and direct mailings will notify interested parties of the time and place of the public meetings and the public hearing.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA or UDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20–205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

James Christian,

Salt Lake City, Utah.

[FR Doc. 2010–25606 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

South Carolina Railroad Museum, Inc.

[Waiver Petition Docket Number FRA–2010–0095]

The South Carolina Railroad Museum (SCRM) is a non-profit (501)(c)(3) railroad museum located near Winnsboro, South Carolina, which operates excursion passenger trains primarily on certain weekends and on special charters as part of its museum activity. SCRM seeks a waiver from compliance with 49 CFR 240.201(d), which provides that only certified persons may operate trains or locomotives. The waiver would affect only persons who participate in the "engineer for a day" program, which would allow non-certified persons to operate a diesel electric locomotive as the "engineer." Various restrictions would be placed on these operations.

The waiver would cover operations on 5,280 feet of main line track between Milepost (MP) 4 and MP 5 that would be placed under absolute block control (section of track can only be occupied by one train at a time) during these operations. This section of track does not have any public highway-rail grade crossings on it, and is located largely within the confines of Rion Quarry, which is no longer in operation.

SCRM has an annual budget of approximately $180,000.00. SCRM has no employees. All excursion trains are staffed by volunteers who have been through testing and certification for their respective train crew duties. The "engineer for a day" program would allow SCRM to supplement its education programs and generate needed additional income for preservation and for providing a railroad experience to persons visiting the museum.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2010–0095) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://www.regulations.gov.*

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

Issued in Washington, DC, on October 4, 2010.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2010–25487 Filed 10–8–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–104072–97]

Proposed Collection; Comment Request for Regulation Project

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 an existing final regulation, REG–104072–97 (TD 8853), re-characterizing Financing Arrangements Involving Fast-Pay Stock (§ 1.7701(l)–3).

DATES: Written comments should be received on or before December 13, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, 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 Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Recharacterizing Financing Arrangements Involving Fast-Pay Stock.

OMB Number: 1545–1642.

Regulation Project Number: REG–104072–97 (T.D. 8853).

Abstract: Section 1.7701(l)–3 recharacterizes fast-pay arrangements. Certain participants in such arrangements must file a statement that includes the name of the corporation that issued the fast-pay stock, and (to the extent the filing taxpayer knows or has reason to know) the terms of the fast-pay stock, the date on which it was issued, and the names and taxpayer identification numbers of any shareholders of any class of stock that is not traded on an established securities market.

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: 50.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 50.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 29, 2010.

Gerald Shields,

IRS Supervisory Tax Analyst.

[FR Doc. 2010–25468 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Texas)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 9, 2010.

FOR FURTHER INFORMATION CONTACT: Patricia Robb at 1–888–912–1227 or 414–231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 5 Taxpayer Advocacy Panel will be held Tuesday, November 9, 2010, at 11 a.m. Central Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Patricia Robb. For more information please contact Ms. Robb at 1–888–912–1227 or 414–231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25486 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Taxpayer Advocacy Panel Notice Improvement Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notice Improvement Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 10, 2010.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1–888–912–1227 or 718–488–2085.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Notice Improvement Project Committee will be held Wednesday, November 10, 2010, at 2 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Audrey Y. Jenkins. For more information, please contact Ms. Jenkins at 1–888–912–1227 or 718–488–2085, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25451 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Taxpayer Advocacy Panel (Including the States of Alaska, California, Hawaii, and Nevada)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 7 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 17, 2010.

FOR FURTHER INFORMATION CONTACT: Janice Spinks at 1–888–912–1227 or 206–220–6098.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 7 Taxpayer Advocacy Panel will be held Wednesday, November 17, 2010, at 2 p.m. Pacific Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Janice Spinks. For more information please contact Ms. Spinks at 1–888–912–1227 or 206–220–6098, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25459 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 4 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 16, 2010.

FOR FURTHER INFORMATION CONTACT: Ellen Smiley at 1–888–912–1227 or 414–231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Tuesday, November 16, 2010, at 1 p.m. Central Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ellen Smiley. For more information please contact Ms. Smiley at 1–888–912–1227 or 414–231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25464 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications/MLI Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications/MLI Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 10, 2010.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or 718–488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications/MLI Project Committee will be held Wednesday, November 10, 2010, at 1:00 p.m., Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Marisa Knispel. For more information, please contact Ms. Knispel at 1–888–912–1227 or 718–488–3557, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25475 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, November 18, 2010.

FOR FURTHER INFORMATION CONTACT: Janice Spinks at 1–888–912–1227 or 206–220–6098.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section

10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Small Business/Self Employed Project Committee will be held Thursday, November 18, 2010, at 9 a.m. Pacific Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Janice Spinks. For more information please contact Ms. Spinks at 1–888–912–1227 or 206–220–6098, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25474 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Issue Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 9, 2010.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or 954–423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Issue Committee will be held Tuesday, November 9, 2010, at 2:00 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information, please contact Ms. Powers at 1–888–912–1227 or 954–423–7977, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25472 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 3 Taxpayer Advocacy Panel (Including the States of Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and the Territory of Puerto Rico)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 3 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, November 8, 2010.

FOR FURTHER INFORMATION CONTACT: Donna Powers at 1–888–912–1227 or 954–423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 3 Taxpayer Advocacy Panel will be held Monday, November 8, 2010, at 2:30 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information, please contact Ms. Powers at 1–888–912–1227 or 954–423–7977, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25466 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 6 Taxpayer Advocacy Panel (Including the States of Arizona, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming)

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 6 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 3, 2010.

FOR FURTHER INFORMATION CONTACT: Timothy Shepard at 1–888–912–1227 or 206–220–6095

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 6 Taxpayer Advocacy Panel will be held Wednesday, November 3, 2010, at 1 p.m. Pacific Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Timothy Shepard. For more information, please contact Mr. Shepard at 1–888–912–1227 or 206–220–6095, or write TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25462 Filed 10–7–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint

Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 23, 2010.

FOR FURTHER INFORMATION CONTACT: Susan Gilbert at 1–888–912–1227 or (515) 564–6638.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Tuesday, November 23, 2010, at 3 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Susan Gilbert. For more information please contact Ms. Gilbert at 1–888–912–1227 or (515) 564–6638 or write: TAP Office, 210 Walnut Street, Stop 5115, Des Moines, IA 50309 or contact us at the Web site: *http://www.improveirs.org*.

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25456 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 23, 2010.

FOR FURTHER INFORMATION CONTACT: Ellen Smiley at 1–888–912–1227 or 414–231–2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Committee will be held Tuesday, November 23, 2010, at 1 p.m. Central Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Ellen Smiley. For more information please contact Ms. Smiley at 1–888–912–1227 or 414–231–2360, or write TAP Office Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or post comments to the web site: *http://www.improveirs.org*.

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25447 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 1 Taxpayer Advocacy Panel (Including the States of New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont and Maine)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 1 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 16, 2010.

FOR FURTHER INFORMATION CONTACT: Marisa Knispel at 1–888–912–1227 or 718–488–3557.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 1 Taxpayer Advocacy Panel will be held Tuesday, November 16, 2010, at 10 a.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Marisa Knispel. For more information, please contact Ms. Knispel at 1–888–912–1227 or 718–488–3557, or write TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25477 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be Wednesday, November 24, 2010.

FOR FURTHER INFORMATION CONTACT: Marianne Ayala at 1–888–912–1227 or 954–423–7978.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Project Committee will be held Wednesday, November 24, 2010, at 1 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Marianne Ayala. For more information, please contact Ms. Ayala at 1–888–912–1227 or 954–423–7978, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or contact us at the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25488 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 2 Taxpayer Advocacy Panel (Including the States of Delaware, North Carolina, South Carolina, New Jersey, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 2 Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, November 17, 2010.

FOR FURTHER INFORMATION CONTACT: Marianne Ayala at 1–888–912–1227 or 954–423–7978.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 2 Taxpayer Advocacy Panel will be held Wednesday, November 17, 2010, at 2:30 p.m. Eastern Time via telephone conference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Marianne Ayala. For more information please contact Mrs. Ayala at 1–888–912–1227 or 954–423–7978, or write TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include various IRS issues.

Dated: October 4, 2010.

Shawn F. Collins,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2010–25489 Filed 10–8–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0697]

Agency Information Collection (Application for Approval of a Licensing or Certification and Organization or Entity) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 12, 2010.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to "OMB Control No. 2900–0697" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@va.gov.* Please refer to "OMB Control No. 2900–0697."

SUPPLEMENTARY INFORMATION:

Title: Application for Approval of a Licensing or Certification and Organization or Entity: 38 CFR 21.4268.

OMB Control Number: 2900–0697.

Type of Review: Extension of a currently approved collection.

Abstract: The data collected will be used to determine whether licensing and certification tests, and the organizations offering them, should be approved for VA training under education programs VA administers.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on August 6, 2010, at page 47680.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,584 hours.

Frequency of Response: On occasion.

Estimated Average Burden per Respondent: 3 hours.

Estimated Annual Responses: 528.

Dated: October 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–25530 Filed 10–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0253]

Proposed Information Collection (Nonsupervised Lender's Nomination and Recommendation of Credit Underwriter) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to evaluate a credit underwriter's experience.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 13, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0253" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Nonsupervised Lender's Nomination and Recommendation of Credit Underwriter, VA Form 26–8736a.

OMB Control Number: 2900–0253.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–8736a is completed by nonsupervised lenders and the lender's nominee for credit underwriting with the Department of Veterans Affairs. Lenders are authorized by VA to make automatic guaranteed loans if approved for such purposes. The lender is required to have a qualified underwriter to review loans to be closed on automatic basis and determine that the loan meets VA's credit underwriting standards. VA uses the data collected on the form to evaluate the nominee's credit underwriting experience.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,000.

Dated: October 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–25535 Filed 10–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0624]

Proposed Information Collection (Obligation to Report Factors Affecting Entitlement) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine whether adjustments in rates of benefit payments are necessary.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 13, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov*. Please refer to "OMB Control No. 2900–0624" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Obligation to Report Factors Affecting Entitlement (38 CFR 3.204(a)(1), 38 CFR 3.256(a) and 38 CFR 3.277(b)).

OMB Control Number: 2900–0624.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants who applied for or receives compensation, pension or dependency and indemnity compensation benefits must report changes in their entitlement factors. Individual factors such as income, marital status, and the beneficiary's number of dependents, may affect the amount of benefit that he or she receives or affect the right to receive such benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 31,017 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 372,209.

Dated: October 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–25536 Filed 10–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0036]

Proposed Information Collection (Statement of Disappearance) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a presumption of death of a missing veteran.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 13, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov*. Please refer to "OMB Control No. 2900–0036" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Statement of Disappearance, VA Form 21–1775.

OMB Control Number: 2900–0036.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–1775 is used to gather information from a claimant to make a decision regarding the unexplained absence of a veteran for over 7 years. The data collected will be used to determine the claimant's entitlement to death benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 28 hours.

Estimated Average Burden per Respondent: 2 hours 45 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 10.

Dated: October 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–25534 Filed 10–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (VA Form 10–0476)]

Proposed Information Collection (Patient Satisfaction Survey Michael E. DeBakey Home Care Program) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine patients' satisfaction with services provided by or through the Michael E. DeBakey Home Care Program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 13, 2010.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov;* or to Cynthia Harvey Pryor, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or *e-mail: cynthia.harvey-pryor@va.gov*. Please refer to "2900–New (VA Form 10–0476)" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor (202) 461–5870 or FAX (202) 273–9387.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Patient Satisfaction Survey Michael E. DeBakey Home Care Program, VA Form 10–0476.

OMB Control Number: 2900–New.

Type of Review: New collection.

Abstract: VA Form 10–0476 will be used to gather feedback from patients regarding their satisfaction with the quality of services/care provided by home care program staff.

Affected Public: Individuals and households.

Estimated Annual Burden: 17 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 50.

Estimated Number of Responses: 100.

Dated: October 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–25531 Filed 10–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-New (VA Form 10–0507)]

Proposed Information Collection (Veterans Health Benefits Handbook Satisfaction Survey) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on eligibility and benefits information contained in Veterans Health Benefits handbook.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 13, 2010.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov*; or to Cynthia Harvey Pryor, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *cynthia.harvey-pryor@va.gov*. Please refer to "2900-New (VA Form 10–0507)" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor (202) 461–5870 or FAX (202) 273–9387.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Veterans Health Benefits Handbook Satisfaction Survey, VA Form 10–0507.

OMB Control Number: 2900-New (VA Form 10–0507).

Type of Review: New collection.

Abstract: VA Form 10–0507 will be used to request feedback from veterans on the content and presentation material contained in the Veterans Health Benefits Handbook. VA will use the data collected to determine how well the handbook meets veterans' individual needs.

Affected Public: Individuals and households.

Estimated Annual Burden: 135 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,622.

Dated: October 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–25532 Filed 10–8–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0500]

Proposed Information Collection (Status of Dependents Questionnaire) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a veteran's continued entitlement to benefits based on the number of dependents.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 13, 2010.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov*. Please refer to "OMB Control No. 2900–0500" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Status of Dependents Questionnaire, VA Form 21–0538.

OMB Control Number: 2900–0500.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans receiving compensation for service-connected disability which includes an additional amount for their spouse and/or child(ren) complete VA Form 21–0538 to certify the status of the dependents for whom additional compensation is being paid.

Affected Public: Individuals or households.

Estimated Annual Burden: 14,083 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Once every eight years.

Estimated Number of Respondents: 84,500.

Dated: October 6, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–25533 Filed 10–8–10; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
October 12, 2010

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 1, 91, 120, and 135

Air Ambulance and Commercial Helicopter Operations, Part 91 Helicopter Operations, and Part 135 Aircraft Operations; Safety Initiatives and Miscellaneous Amendments; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 91, 120, and 135

[Docket No. FAA–2010–0982; Notice No. 10–13]

RIN 2120–AJ53

Air Ambulance and Commercial Helicopter Operations, Part 91 Helicopter Operations, and Part 135 Aircraft Operations; Safety Initiatives and Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule addresses air ambulance and commercial helicopter operations, part 91 helicopter operations, and load manifest requirements for all part 135 aircraft. From 2002 to 2008, there has been an increase in fatal helicopter air ambulance accidents. To address these safety concerns, the FAA is proposing to implement operational procedures and require additional equipment on board helicopter air ambulances. Many of these proposed requirements currently are found in agency guidance publications and would address National Transportation Safety Board (NTSB) safety recommendations. Some of these safety concerns are not unique to the helicopter air ambulance industry and affect all commercial helicopter operations. Accordingly, the FAA also is proposing to amend regulations pertaining to all commercial helicopter operations conducted under part 135 to include equipment requirements, pilot training, and alternate airport weather minima. The changes are intended to provide certificate holders and pilots with additional tools and procedures that will aid in preventing accidents.

DATES: Send your comments on or before January 10, 2011.

ADDRESSES: You may send comments identified by docket number FAA–2010–0982 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, 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.

For more information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket web site, anyone can find and read the electronic form of all comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov*.

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time and follow the online instructions for accessing the docket, or, the 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: For technical questions concerning this proposed rule contact Edwin Miller, Flight Standards Service, Part 135 Air Carrier Operations Branch, AFS–250, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8166; facsimile (202) 267–5229; e-mail *edwin.miller@faa.gov*.

For legal questions concerning this proposed rule contact Dean Griffith, Office of the Chief Counsel, AGC–220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3073; facsimile (202) 267–7971; e-mail *dean.griffith@faa.gov*.

SUPPLEMENTARY INFORMATION:

Later in this preamble under the Additional Information section, we discuss how you can comment on this proposal and how we will handle your comments. Included in this discussion is related information about the docket, privacy, and the handling of proprietary or confidential business information. We also discuss how you can get a copy of related rulemaking documents.

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(4), which requires the Administrator to promulgate regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

List of Terms and Acronyms Frequently Used in This Document

AC—Advisory Circular
ARC—Aviation Rulemaking Committee
CFIT—Controlled flight into terrain
CVR—Cockpit voice recorder
EMS—Emergency medical service
FDR—Flight data recorder
GPS—Global positioning system
HTAWS—Helicopter Terrain Awareness and Warning System
IFR—Instrument flight rules
IMC—Instrument meteorological conditions
LARS—Light-weight aircraft recording system
NM—Nautical mile
NTSB—National Transportation Safety Board
NVG—Night vision goggles
NVIS—Night-vision imaging system
SAFO—Safety Alert for Operators
TAWS—Terrain Avoidance and Warning System
TSO—Technical Standard Order
VFR—Visual flight rules
VMC—Visual meteorological conditions

Table of Contents

I. Executive Summary

This NPRM proposes requirements for all part 135 aircraft, part 91 helicopter operations, and air ambulance and commercial helicopter operations. The proposal aims to address safety concerns arising from an increase in air ambulance related fatalities from 2002 to 2008.

As described in further detail throughout this document, the NPRM proposes the following requirements:

Affected entities	Proposal
Part 135—All Aircraft	• Permit operators to transmit a copy of load manifest documentation to their base of operations, in lieu of preparing a duplicate copy. • Specify requirements for retaining a copy of the load manifest in the event that the documentation is destroyed in an aircraft accident.
Part 91—Helicopter Operations	• Revision of part 91 Visual Flight Rules (VFR) weather minimums.
All Commercial Helicopter Operations (Operating Requirements).	• Revision of commercial helicopter instrument flight rules (IFR) alternate airport weather minimums. • Require helicopter pilots to demonstrate competency in recovery from inadvertent instrument meteorological conditions. • Require all commercial helicopters to be equipped with radio altimeters. • Change definition of "extended over-water operation," and require additional equipment for these operations.
Air Ambulance Operations (Operating Requirements and Equipage).	• Require air ambulance flights with medical personnel on board to be conducted under part 135, including flight crew time limitation and rest requirements. • Require certificate holders with 10 or more helicopter air ambulances to establish operations control centers. • Require helicopter air ambulance certificate holders to implement pre-flight risk-analysis programs. • Require safety briefings for medical personnel on helicopter air ambulances. • Amend helicopter air ambulance operational requirements to include VFR weather minimums, IFR operations at airports/heliports without weather reporting, procedures for VFR approaches, and VFR flight planning. • Require pilots in command to hold an instrument rating. • Require equipage with Helicopter Terrain Awareness and Warning Systems (HTAWS), and possibly light-weight aircraft recording systems (LARS).

In aggregate, the FAA estimates the mean present value of the total monetizable costs of these proposals (over 10 years, 7% discount rate) to be $225 million, with a range of total monetizable benefits from $83 million to $1.98 billion (over 10 years, 7% discount rate).

The table below summarizes the present value range of total aggregate monetizable costs and benefits the FAA estimates as a result of this rule:

Summary of monetizable costs and benefits [1]	Range (in millions) (over 10 years, 7% discount rate)
Air Ambulance	$62 to $1,500.
Commercial	$21 to $480.
Total Benefits	$83 to $1,980.
Air Ambulance	$136.
Commercial	$89.
Total Costs	$225.

The FAA requests comments on the analysis underlying these estimates, as well as possible approaches to reduce the costs of this rule while maintaining or increasing the benefits. While the FAA has concluded that the aggregate benefits justify the aggregate costs, under some scenarios, the monetizable benefits may fall short of the monetizable costs. The FAA seeks comments on possible changes or flexibilities that might improve the rule.

[1] "Air ambulance" applies to helicopter air ambulance operations. "Commercial" applies to all part 135 aircraft operations, excluding helicopter air ambulance operations.

II. Background

A. Statement of the Problem

The helicopter air ambulance industry experienced a significant increase in fatal accidents in 2008, making it the deadliest year on record for the industry. During that year, six accidents claimed 24 lives, including those of

pilots, patients, and medical personnel. In addition, there were three non-fatal accidents in 2008. However, helicopter air accidents were not confined to 2008. From 1992 through 2009, there were 135 helicopter air ambulance accidents, including one midair collision with another helicopter engaged in an air ambulance operation. These helicopter air ambulance accidents resulted in 126 fatalities. In a 2009 report, the U.S. Government Accountability Office (GAO) recognized that air ambulance accidents reached historic levels from 2003 through 2008.[2]

Helicopter accidents, however, have not been limited to the air ambulance industry. The FAA identified 75 commercial helicopter accidents, occurring from 1994 through 2008 with causal factors that are addressed in this proposal. These accidents involving commercial helicopter operations resulted in 88 fatalities. These accidents do not include the helicopter air ambulance accidents discussed above.

After reviewing the accident data, the FAA identified controlled flight into terrain (CFIT), loss of control (LOC), inadvertent flight into instrument meteorological conditions (IMC), and accidents during night conditions as four common factors in helicopter air ambulance accidents. A review of commercial helicopter accidents also demonstrated that these accidents may have been prevented if pilots and helicopters were better equipped for encounters with inadvertent flight into IMC, flat-light,[3] whiteout,[4] and brownout [5] conditions, and for flights over water. The FAA also determined that enhancements to safety equipment for over-water operations and establishing more stringent instrument flight rules (IFR) alternate airport weather minima would enhance the safety of all part 135 helicopter operations.

Prior to developing this proposed rule, the FAA undertook initiatives to address the common factors that contribute to helicopter air ambulance accidents including issuing notices, handbook bulletins, operations specifications, and advisory circulars (ACs); this proposed rule would codify many of these initiatives.

Additionally, this proposal addresses National Transportation Safety Board (NTSB) safety recommendations and recommendations made by the Part 125/135 Aviation Rulemaking Committee (ARC) concerning helicopter air ambulance and commercial helicopter operations. This includes a proposal to adopt amendments to load manifest requirements for single-engine part 135 operations, consistent with an NTSB Safety Recommendation developed in response to a 1997 accident.

B. Helicopter Air Ambulance Operations

The helicopter air ambulance industry is relatively young but has experienced rapid growth during its existence. The industry's evolution has not produced a uniform model of operations; rather certificate holders vary in size and scope of operations. In addition, as discussed below, helicopter air ambulance operations present unique challenges meriting regulation beyond that traditionally applied to part 135 commercial helicopter operations.

Helicopter air medical transportation was first used prominently during the Korean War to move injured soldiers from the battlefield. Since then, helicopters have been used to transport critically injured patients and donor organs to hospitals because of their capability to provide rapid transportation over long distances from remote locations. The first commercial helicopter air ambulance program began operation in 1972. The industry grew significantly in the 1980s, and is continuing to grow.[6] Between 2003 and 2008, the Association of Air Medical Services reported a 54 percent increase in the number of helicopters used by its members in helicopter air ambulance operations.[7] The NTSB estimates that 400,000 patients and transplant organs are now transported by helicopter each year.[8]

As of February 2009, the FAA authorized 74 certificate holders to conduct helicopter air ambulance operations. These certificate holders operate approximately 850 helicopters in air ambulance operations. The size of these operations varies greatly. The smallest operators only have one or two helicopters and operate in one region; the largest operators may have hundreds of helicopters across the United States. Of the 50 largest certificate holders operating under part 121 or 135, as measured by the number of aircraft operated, six conduct helicopter air ambulance operations. The tenth largest air carrier in the United States, Air Methods Corporation, is a helicopter air ambulance operator.

The following is a breakdown of the number of helicopter air ambulances operated by the 74 certificate holders permitted to conduct helicopter air ambulance operations as of February, 2009: 38 certificate holders have 5 or fewer helicopters; 14 certificate holders have 6 to 10 helicopters; 6 certificate holders have 11 to 15 helicopters; and 16 certificate holders have more than 16 helicopters.

Certificate holders' air ambulance programs and operational practices vary as to whether they conduct IFR or VFR operations, perform formal pre-flight risk analyses, or use operations control centers. In addition, certificate holders equip their helicopters differently. For example, some helicopters are permanently configured for full-time air ambulance operations while others are not; some are equipped for IFR operations while others are equipped for VFR-only operations; and helicopter air ambulances have varying situational-awareness technology (such as night vision goggles, HTAWS, radio altimeters, etc.) on board.

Helicopter air ambulance operations present several unique operating characteristics that make them distinct from other types of part 135 helicopter operations. Such operations are often time-sensitive and crucial to getting a critically ill or injured patient to a medical facility as efficiently as possible, which may influence flight crews to fly under circumstances that they otherwise would not. In addition,

[2] GAO, Aviation Safety: Potential Strategies to Address Air Ambulance Safety Concerns (2009).

[3] The NTSB describes flat-light conditions in NTSB Safety Recommendation A–02–33 as "the diffuse lighting that occurs under cloudy skies especially when the ground is snow covered. Under flat light conditions, there are no shadows cast, and the topography of snow-covered surfaces is impossible to judge. Flat light greatly impairs a pilot's ability to perceive depth, distance, altitude, or topographical features when operating under visual flight rules (VFR)."

[4] AC 00–6A, *Aviation Weather for Pilots and Flight Operations Personnel,* describes whiteout conditions as a "visibility restricting phenomenon that occurs in the Arctic when a layer of cloudiness of uniform thickness overlies a snow or ice-covered surface. Parallel rays of the sun are broken up and diffused when passing through the cloud layer so that they strike the snow surface from many angles. The diffused light then reflects back and forth countless times between the snow and the cloud eliminating all shadows. The result is a loss of depth perception."

[5] Brownout conditions occur when sand or other particles restrict visibility and depth perception.

[6] National Transportation Safety Board: Safety Study—*Commercial Emergency Medical Service Helicopter Operations,* NTSB/SS–88/01 (Jan. 28, 1988), *available at http://www.ntsb.gov/Dockets/Aviation/DCA09SH001/410702.pdf.*

[7] *See* GAO, Aviation Safety: Potential Strategies to Address Air Ambulance Safety Concerns 4 (2009).

[8] Testimony of the Hon. Robert L. Sumwalt, III, Board Member NTSB, Before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, U.S. House of Representatives, April 22, 2009, available at *http://transportation.house.gov/hearings/hearingDetail.aspx?NewsID=865;* transcript URL: *http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_house_hearings&docid=f:49001.pdf.*

these operations often are conducted under challenging conditions. For example, helicopter air ambulances operate generally at low altitudes and under varied weather conditions. Operations are conducted year-round, in rural and urban settings, in mountainous and non-mountainous terrain, during the day and at night, and in IFR and visual meteorological conditions (VMC). Remote-site landings pose additional challenges. These remote sites are often unfamiliar to a pilot and, unlike an airport or heliport, may contain hazards such as trees, buildings, towers, wires, and uneven terrain. Additionally, in an emergency, patients cannot choose which operator provides transportation, and because of their injuries, may not be able to participate in the decision to use helicopter transport. These patients are often transported by the first company to accept the flight assignment from an emergency medical service dispatcher. The FAA believes that these individuals should therefore be afforded the protection of an enhanced regulation for helicopter air ambulances.

As described in the section below, the FAA has taken steps through non-regulatory means to improve helicopter air ambulance safety; however, in consideration of the industry's accident history, characteristics unique to helicopter air ambulance operations, and the lack of standardization among certificate holders' practices, the FAA believes that additional regulations are necessary to ensure the safety of these flights.

C. FAA Actions

In response to the increasing number of accidents involving helicopter air ambulances, the FAA has developed standards over the years for weather minima and for helicopter terrain awareness and warning systems (HTAWS), and formalized dispatch procedures. In addition, the FAA has issued guidance for operational improvements in areas that address Crew Resource Management (CRM), CFIT, inadvertent flight into IMC, operational control, improved access to weather information, risk management, improvement of organizational safety culture, and aeronautical decisionmaking skills. The following provides a summary of many of the actions taken by the FAA.

On April 8, 2003, the FAA formed the Part 125/135 ARC to perform a comprehensive review of parts 125 and 135 and provide recommendations on rule changes. ARC members included aviation associations, industry representatives, employee groups, the FAA, and other participants to obtain a balance of views, interests, and expertise. The ARC made recommendations pertaining to helicopter air ambulance operations and other commercial helicopter operations that form the basis of several of the proposals in this NPRM, including equipping helicopters with radio altimeters, increasing weather minima for helicopter air ambulance operations, requiring additional safety equipment for over-water operations, requiring pilot testing on recovery from inadvertent flight into IMC, and revising IFR alternate airport weather requirements.

In August 2004, the FAA established a task force to review and guide government and industry efforts to reduce helicopter air ambulance accidents. The task force review of commercial helicopter air ambulance accidents for the period of January 1998 through December 2004 revealed that CFIT, night operations, and inadvertent flight into IMC were the predominant factors contributing to those accidents.

On January 28, 2005, the FAA issued Notice 8000.293, *Helicopter Emergency Medical Services Operations,* addressing CRM, adherence to procedures, and pilot decisionmaking skills in helicopter air ambulance operations. This notice was later incorporated into Safety Alert for Operators (SAFO) 06001, *Helicopter Emergency Medical Services (HEMS) Operations* (Jan. 28, 2006). On August 1, 2005, the FAA issued Notice 8000.301, *Operational Risk Assessment Programs for Helicopter Emergency Medical Services,* providing guidance on operational risk assessment programs, including training of flightcrews and medical personnel.

In AC 00–64, *Air Medical Resource Management,* issued September 22, 2005, the FAA recommended minimum guidelines for air medical resource management training for all air medical service operations team members, including pilots, maintenance personnel, medical personnel, communications specialists, and other air medical team members. In Notice 8000.307, *Special Emphasis Inspection Program For Helicopter Emergency Medical Services,* issued September 27, 2005, the FAA addressed a special emphasis inspection program for helicopter air ambulance operators, focusing on operational control, risk assessment, and training programs. On January 24, 2006, the FAA issued handbook bulletin HBAT 06–02, *Helicopter Emergency Services (HEMS) Loss of Control (LOC) and Controlled Flight into Terrain (CFIT) Accident Avoidance Programs,* to FAA inspectors describing acceptable models for LOC and CFIT accident avoidance programs.

In January 2006, the FAA amended Operations Specification A021, which is issued to all certificate holders conducting helicopter air ambulance operations, to establish VFR weather requirements, including consideration of adverse effects of ambient lighting at night and mountainous terrain. Following the 2008 accidents, the FAA again amended Operations Specification A021 to address VFR weather requirements, applied those weather requirements to all flights with medical personnel on board, required a flight planning requirement, and allowed IFR approaches when a pilot could consult a weather reporting source within 15 miles of the landing location.

In 2006, RTCA, Inc.,[9] at the FAA's request, established a special committee to develop HTAWS standards. In December 2008, the FAA issued Technical Standard Order (TSO)–C194, *Helicopter Terrain Awareness and Warning System (HTAWS),* based on the minimum operational performance standards developed by the committee. This TSO establishes the technical baseline for the HTAWS requirement in this proposal.

The FAA issued AC 120–96, *Integration of Operations Control Centers into Helicopter Emergency Medical Services Operations* (May 5, 2008), that provides guidance to certificate holders for establishing operations control and dispatch centers. The information in AC 120–96 formed the foundation of this proposal's requirement for certain certificate holders to establish operations control centers.

In 2008, through Notice 8900.57, *Part 135 Helicopter Training Program and Manual Revisions,* the FAA implemented several pilot training program revisions applicable to part 135 helicopter training programs in response to NTSB safety recommendations A–02–34 and A–02–35, including procedures for mitigating and recovering from brownout, whiteout, and flat-light conditions.

On January 12, 2009, through Notice 8900.63, *Validation of HEMS Safety Initiatives,* the FAA, in an effort to identify how well its voluntary programs had been accepted, surveyed the operators through their Principal Operations Inspectors. Survey results indicated that 94 percent of the

[9] RTCA, Inc. is a private, not-for-profit corporation that develops consensus-based recommendations regarding communications, navigation, surveillance, and air traffic management (CNS/ATM) system issues. RTCA, Inc. functions as a Federal Advisory Committee.

operators had established risk-assessment programs, 89 percent had training in LOC and CFIT, 89 percent were using operations control centers, 41 percent were using terrain awareness and warning systems (TAWS), 11 percent were using flight data recorders (FDR), and 94 percent were using radio altimeters.

D. National Transportation Safety Board (NTSB) Safety Recommendations

In 1988, the NTSB conducted a safety study of emergency medical service operations that examined 59 accidents.[10] This study determined that the helicopter air ambulance accident rate was almost twice the estimated accident rate of non-scheduled part 135 helicopter air taxi operations, and were 3.5 times more likely to be fatal.[11] The NTSB found reduced visibility to be the most common factor associated with such crashes.

In January 2006, the NTSB conducted a special investigation of emergency medical services operations and issued four recommendations to the FAA.[12] These recommendations are discussed in sections III.A.1.a., III.A.1.b., III.A.1.d., III.A.2.a., and III.A.3.b.

In February 2009, the NTSB held a public hearing on "Helicopter Emergency Medical Services" to examine the safety issues associated with these operations and gather testimony from government, operators, industry associations, manufacturers, and hospitals.[13] In September 2009, the NTSB issued a series of safety recommendations based on the findings of the February hearing. The recommendations that are addressed by this rulemaking are discussed in sections III.A.1.b., III.A.1.d., III.A.2.b., and III.B.3. The FAA has determined that the remaining September 2009 recommendations are not ready for rulemaking at this time.

The NTSB also made recommendations to public aircraft operators, the Federal Interagency Emergency Medical Services Committee, and the U.S. Department of Health and Human Services' Centers for Medicare & Medicaid Services.

As a result of its investigations and studies, the NTSB identified several probable causes of helicopter accidents, such as spatial disorientation, lack of general awareness, loss of control, poor decision making, failure to maintain clearance of obstacles, inadequate planning, and improper execution of standard operating procedures.

NTSB safety recommendations addressed by this rulemaking include the following:

Recommendations on Helicopter Air Ambulance Operations

A–06–12: Recommends that the FAA require all emergency medical services operators to comply with 14 CFR part 135 operations specifications during the conduct of all flights with medical personnel on board. (Discussed in sections III.A.1.a. and III.A.3.b.)

A–06–13: Recommends that the FAA require all emergency medical services operators to develop and implement flight-risk evaluation programs that include training all employees involved in the operation, procedures that support the systematic evaluation of flight risks, and consultation with others in emergency medical service (EMS) flight operations if the risks reach a predefined level. (Discussed in section III.A.1.d.)

A–06–14: Recommends that the FAA require emergency medical services operators to use formalized dispatch and flight-monitoring procedures that include up-to-date weather information and assistance in flight risk assessment decisions. (Discussed in section III.A.1.b.)

A–06–15: Recommends that the FAA require emergency medical services operators to install terrain awareness and warning systems on their aircraft and to provide adequate training to ensure that flight crews are capable of using the systems to safely conduct EMS operations. (Discussed in section III.A.2.a.)

A–09–87: Recommends that the FAA develop criteria for scenario-based helicopter emergency medical services pilot training that includes inadvertent flight into instrument meteorological conditions and hazards unique to helicopter emergency medical services (HEMS) operations, and determine how frequently this training is required to ensure proficiency. (Discussed in section III.B.3.)

A–09–89: Recommends that the FAA require helicopter air ambulance operators implement a safety management system program that includes sound risk management practices. (Discussed in sections III.A.1.b., III.A.1.d, and III.A.2.b.)

A–09–90: Recommends that the FAA require helicopter air ambulance operators install flight data recording devices and establish a structured flight data monitoring program that reviews all available data sources to identify deviations from established norms and procedures and other potential safety issues. (Discussed in section III.A.2.b.)

The FAA notes that the NTSB used the term "emergency medical services operators" or "EMS operators" in its recommendations. However, the FAA uses the term "helicopter air ambulance operators" in this proposed rulemaking. The FAA also notes that NTSB Safety Recommendations A–06–12 through A–06–14 addressed both fixed-wing and helicopter air ambulance operations. As previously noted, while some provisions of the proposal extend to other types of aircraft and commercial helicopter operations more broadly, the FAA is focusing largely on helicopter air ambulance safety in this rulemaking. Although this proposed rule primarily focuses on helicopter air ambulance safety, it also addresses additional NTSB recommendations, listed below.

Recommendations on Commercial Helicopter Operations

A–02–33: Recommends that the FAA require all helicopter pilots who conduct commercial, passenger-carrying flights in areas where flat-light or whiteout conditions routinely occur to possess a helicopter-specific instrument rating and to demonstrate their competency during initial and recurrent 14 CFR 135.293 evaluation check rides. (Discussed in section III.B.3.)

A–02–34: Recommends that the FAA require all commercial helicopter operators conducting passenger-carrying flights in areas where flat-light or whiteout conditions routinely occur to include safe practices for operating in flat-light or whiteout conditions in their approved training programs. (Discussed in section III.B.3.)

A–02–35: Recommends that the FAA require the installation of radio altimeters in all helicopters conducting commercial, passenger-carrying operations in areas where flat-light or whiteout conditions routinely occur. (Discussed in section III.B.2.a.)

A–06–17: Recommends that the FAA require all rotorcraft operating under [14 CFR] parts 91 and 135 with a transport-category certification to be equipped with a cockpit voice recorder (CVR) and flight data recorder (FDR). (Discussed in section III.A.2.b.)

A–07–87: Recommends that the FAA require all existing and new turbine-powered helicopters operating in the Gulf of Mexico and certificated with five or more seats to be equipped with externally mounted life rafts large

[10] Commercial Emergency Medical Service Helicopter Operations, Safety Study NTSB/SS–88/01 (Washington, DC: National Transportation Safety Board, 1988).

[11] *Id.* at 7.

[12] NTSB, *Special Investigation Report on Emergency Medical Services Operations* (NTSB/SIR–06/01) (Jan. 25, 2006).

[13] NTSB, Public Hearing Summary, available at *http://www.ntsb.gov/Events/Hearing-HEMS/HEMS_Summary.pdf*.

enough to accommodate all occupants. (Discussed in section III.B.2.b.)

A–07–88: Recommends that the FAA require all offshore helicopter operators in the Gulf of Mexico provide their flight crews with personal flotation devices equipped with a waterproof, global-positioning-system-enabled 406 megahertz personal locater beacon, as well as one other signaling device, such as a signaling mirror or strobe light. (Discussed in section III.B.2.b.)

Other Recommendations

A–99–61: Recommends that the FAA amend recordkeeping requirements in § 135.63(c) to apply to single-engine as well as multiengine aircraft. (Discussed in section III.C.2.)

E. Congressional Action

Legislation has been introduced in both the House of Representatives and the Senate in the 111th Congress, and in earlier Congresses, addressing several of the issues raised in this rulemaking. In addition, on April 22, 2009, the House Transportation and Infrastructure's Subcommittee on Aviation held a hearing on oversight of helicopter medical services. The Subcommittee heard from a variety of government, industry, and public representatives who testified on the House helicopter air ambulance safety legislation, NTSB safety recommendations, and FAA actions to mitigate helicopter air ambulance accidents.

III. Discussion of the Proposal

In determining how to improve the safety of helicopter air ambulance operations, as well as all other commercial helicopter operations, the FAA reviewed approximately 4,000 accidents that involved helicopters in the United States (excluding U.S. territories). Of those accidents, the FAA identified 75 commercial helicopter accidents and 127 helicopter air ambulance accidents that occurred between 1994 and 2008 with causal factors that are addressed in this proposal. The accidents involving commercial helicopter operations resulted in 88 fatalities, 29 serious injuries, and 42 minor injuries; 28 (approximately 37 percent) involved one or more fatalities, and 47 had no fatalities. The accidents involving helicopter air ambulance operations resulted in 126 fatalities, 50 serious injuries, and 42 minor injuries; 46 (approximately 36 percent) involved one or more fatalities, and 81 had no fatalities. In addition to injuries and fatalities, there also was significant damage or complete hull loss for these accidents.

A comparison of the accidents that occurred between 2000 and 2008 reveals that there were 66 commercial helicopter accidents (including 23 fatal accidents resulting in 65 fatalities) and 98 helicopter air ambulance accidents (including 35 fatal accidents resulting in 94 fatalities) during that time. The percentage of fatalities between the two categories was essentially the same. Given the equivalent risk of fatality if involved in an accident, the FAA has determined that it must focus its efforts on reducing the higher risk of helicopter air ambulances being involved in an accident in the first place.

This proposal, if adopted, would implement new regulations, and revise existing regulations, to address the causes and factors of commercial and helicopter air ambulance accidents identified by the FAA and the NTSB. The FAA notes that compliance dates of the proposed regulations would vary, as noted in discussions below. The FAA believes that many of the accidents reviewed could have been prevented if these proposals had been in place during this 19-year period.

The FAA has also determined that the safety of commercial air operations could be enhanced by requiring a load manifest for all part 135 operations and is proposing to amend its rules accordingly.

A. Helicopter Air Ambulance Operations

The following provisions would apply to all helicopter air ambulance operations, conducted under part 135. These proposals include new operational and equipment requirements for these certificate holders. This rule does not address fixed-wing air ambulance operations. The FAA chose to focus on helicopter air ambulance operations because a predominance of the accidents involved helicopter air ambulances,[14] and approximately 74 percent of the air ambulance fleet is composed of helicopters.[15]

1. Operational Procedures

a. Part 135 Applicability (§ 135.1)

The FAA is proposing to amend § 135.1 to require that all helicopter air ambulance operations with medical personnel on board be conducted under the operating rules of part 135. This includes instances where the medical personnel are employees of the operator. The safety of helicopter air ambulance flights, including the welfare of the medical personnel and patients on those flights, would be increased if operators were required to comply with the more stringent part 135 rules.

Helicopter air ambulance operations generally consist of two- or three-leg flights. Currently, the non-patient-carrying legs of those operations may be conducted under part 91 because certificate holders consider medical personnel on board the aircraft to be crewmembers and the non-patient transport legs to be positioning flights. This approach is consistent with current FAA guidance to inspectors, which notes that if medical personnel are crewmembers, they are not considered passengers, and that flights with only crewmembers on board may be conducted under part 91.[16]

However, the FAA notes that the primary purpose of having medical personnel on board helicopter air ambulance flights is to provide medical care to the patients being transported, and they "cannot be expected to meaningfully participate in the decision-making process to enhance flight safety or to significantly contribute to operational control of the flight."[17] Accordingly, the FAA believes these individuals should be afforded the same safety protections of part 135 as those given to patients on board helicopter air ambulance flights.

Air ambulance accidents have occurred during all phases of flight. The NTSB found that 35 of the 55 accidents it studied for its Special Investigation Report occurred during part 91 operations with medical personnel, but no patient, on board.[18] The NTSB cited two examples of fatal accidents that may have been prevented if the operations had been conducted according to the weather minima contained in the part 135 operations specifications issued to certificate holders conducting helicopter air ambulance operations in effect at the time of the investigation. The first accident, which took place in Salt Lake City, UT, in 2003, involved a helicopter air ambulance that crashed into terrain when weather conditions were below part 135 minima. The other accident occurred in Redwood Valley, CA, when a helicopter air ambulance crashed into mountainous terrain during high winds and heavy rain. The NTSB concluded

[14] 41 of the 55 air ambulance accidents highlighted by the NTSB in its 2006 Special Investigation Report involved helicopters. *See* NTSB, *Special Investigation Report on Emergency Medical Services Operations,* App'x B (2006).

[15] *See* GAO, Aviation Safety: Potential Strategies to Address Air Ambulance Safety Concerns 1 (2009).

[16] Order 8900.1, vol. 4, chapter 5, section 4.

[17] NTSB, *Special Investigation Report on Emergency Medical Services Operations* (2006).

[18] NTSB, *Special Investigation Report on Emergency Medical Services Operations* (2006).

that air ambulance operations would be improved if required to operate under the part 135 operating rules and that the minimal contribution of medical personnel to the safe operation of air ambulance flights is not sufficient to justify operating under the less-stringent part 91 requirements. Those accidents formed the basis for the NTSB Safety Recommendation A–06–12 that the FAA should require all air ambulance operators to comply with part 135 operations specifications while conducting flights with medical personnel on board. This proposal would implement that recommendation for helicopter air ambulance operators.

The major differences between operations conducted under part 91 and part 135 are the applicable weather minima and flightcrew rest requirements. The FAA acknowledges that these more stringent requirements may result in operators turning down air ambulance flights that would meet part 91 weather requirements but not part 135 weather requirements, or if the flight would put a flightcrew member over the maximum daily hours of flight time. Helicopter air ambulance operations are a form of air transportation, and the improvements in air transportation safety that would result from this proposal justifies the more stringent part 135 requirement. This proposal should not require helicopter air ambulance certificate holders to make major operational changes because their operations generally include a part 135 leg on each flight. Nevertheless, the FAA calls for comments on measures that it could take to address this proposed rule's impact on the availability of air ambulance services.

The FAA is proposing in § 135.601 to define the term "helicopter air ambulance operation" to clarify that helicopter air ambulance operations include more than just patient-transport legs. The definition would establish that any flight, including a positioning or repositioning flight, conducted for the purpose of transportation of patients or donor organs is a helicopter air ambulance flight, and clarify, through a non-exclusive list, the types of operations considered to be helicopter air ambulance operations. For example, a flight initiated for patient transport but terminated before patient pick up would be considered a helicopter air ambulance operation. However, maintenance, service flights for refueling, or training flights could still be conducted under part 91 when no medical personnel are on board.

The FAA also is proposing to define the term "medical personnel" in § 135.601 with language based on that found in AC 135–14A, with modifications. Unlike AC 135–14A, the proposed definition does not address the types of duties performed by medical personnel on the helicopter other than providing medical care. The proposal would not preclude medical personnel from participating in or assisting the pilot with certain duties (for example, reading checklists, tuning radios, and securing doors) as long as the individuals have been trained by the certificate holder in accordance with its FAA-approved training program. Additionally, the FAA notes that such medical personnel would not be considered to be performing safety-sensitive functions under 14 CFR part 120 *Industry Drug and Alcohol Testing Program,* and would therefore not be required to undergo drug testing.

Certificate holders would be required to comply with this provision by the effective date of the final rule.

b. Operations Control Centers (§ 135.617)

The FAA is proposing to add § 135.617 to require certificate holders with 10 or more helicopters engaged in helicopter air ambulance operations to establish operations control centers. Certificate holders would be required to staff these operations control centers with operations control specialists trained and equipped to communicate with pilots, advise pilots of weather conditions, and monitor the progress of each flight. Each certificate holder covered by this requirement would be responsible for establishing its own individual operations control center. Each certificate holder would be required to provide enough operations control specialists at each operations control center to ensure proper operational control of each flight.

FAA regulations currently do not require helicopter air ambulance operators to have an operations control center. In 2008, the FAA issued AC 120–96, which provides recommendations to assist helicopter air ambulance operators with the development, implementation, and integration of an operations control center, and enhanced operational control procedures similar to those found in part 121. Members of the helicopter air ambulance industry have noted that the AC is a "product of a survey of best practices in the air medical industry and gives guidance to other air medical services as to the benefits of this type of operation."[19] In developing this proposal, the FAA sought to standardize operations control centers by codifying the concepts of AC 120–96 into a framework appropriate for helicopter air ambulance operations. The FAA notes that a January 2009 FAA survey of inspectors with oversight of helicopter air ambulance operations showed that 89 percent of helicopter air ambulance operators have voluntarily established some type of operations control center.

The NTSB, in its 2006 *Special Investigation Report on Emergency Medical Services Operations,* identified the following four fatal accidents, which may have been prevented if formalized dispatch and flight-monitoring procedures had been in place.[20]

(1) In a 2004 Pyote, TX, accident in which a helicopter air ambulance transporting a patient crashed into terrain while maneuvering in reduced-visibility conditions, the pilot was not aware of expected thunderstorm activity in the area because he did not obtain a weather briefing before departure.

(2) In the 2003 Salt Lake City, UT, accident in which a helicopter air ambulance crashed into terrain when weather conditions were below part 135 minima, the operator's dispatcher encouraged the pilot to accept the flight in spite of the fact that another company had refused it because of low visibility conditions. The NTSB stated that a flight dispatcher with specific knowledge of flight requirements would likely have been able to more fully comprehend the importance of the other company's refusal, independently gathered and correctly interpreted pertinent weather information from all available sources, and provided appropriate advice to the pilot.

(3) In a 2004 accident in Newberry, SC, a helicopter air ambulance collided with trees in poor weather conditions. Three flightcrews had declined the mission based on their awareness of unsafe weather conditions, specifically the presence of fog. A 911 dispatcher that communicated with the pilot did not inform the pilot that the other three flightcrews had declined the mission because of fog.

(4) A helicopter air ambulance that crashed into mountainous terrain in 2004 in Battle Mountain, NV, was not reported overdue until approximately four hours after its departure. The flight crossed from one county to another, and 911 dispatch centers from the two

[19] Statement from the Association of Air Medical Services, Helicopter Association International, and Air Medical Operators Association to the NTSB 14 (Jan. 13, 2009), available at *http://www.ntsb.gov/Dockets/Aviation/DCA09SH001/default.htm.*

[20] NTSB, *Special Investigation Report on Emergency Medical Services Operations* (NTSB/SIR–06/01) 7 (Jan. 25, 2006).

counties were not required to communicate with each other directly. Responsibility for initiating communications when crossing into another county dispatch center was placed on the pilot. Because the aircraft was not reported missing in a timely manner, the opportunity for potentially life-saving search and rescue operations was lost.

The NTSB concluded that "[f]ormalized dispatch and flight-monitoring procedures, including a dedicated dispatcher with aviation-specific knowledge and experience, would enhance the safety of emergency medical services flight operations by providing the pilot with consistent and critical weather information, assisting in go/no go decisions, and monitoring the flight's position." This resulted in NTSB Safety Recommendation A–06–14 that air ambulance operators be required to "use formalized dispatch and flight-following procedures that include up-to-date weather information and assistance in flight risk assessment decisions." This proposal would address that safety recommendation.

This proposed regulation, which would also partially address NTSB Safety Recommendation A–09–89 regarding the implementation of sound risk management practices, could contribute to a certificate holder's overall safety program because it would be a method of incorporating risk management practices into a company's flight operations. In particular, an operations control specialist would provide additional input on proposed operations and be able to monitor flights, potentially helping pilots avoid dangerous situations.

Under this proposal, operations control specialists would perform the following functions: (1) Maintain two-way communications with pilots;[21] (2) provide pilots with weather information to include current and forecasted weather along the planned route of flight; (3) monitor the flight progress; and (4) participate in pre-flight risk analysis.[22] This proposal is intended to provide an additional measure to help prevent CFIT, loss of control, inadvertent flight into IMC, and accidents at night.

The FAA is proposing to require certificate holders with 10 or more air ambulance helicopters to establish operations control centers for several reasons. The FAA's analysis of current helicopter air ambulance operators shows that the vast majority of operations are conducted by operators with these larger fleets. The FAA's review of operations specifications issued to the 74 certificate holders authorized to conduct helicopter air ambulance operations shows that, as of February 2009, there were 24 certificate holders with 10 or more helicopters in their fleets. Those certificate holders operated 620 of the 884 total helicopters in helicopter air ambulance operations. Additionally, the level of operational complexity and management detail required for safe operations is greater for certificate holders with 10 or more helicopter air ambulances.

Although certificate holders with nine or fewer helicopter air ambulances are not covered by this provision, the FAA finds that the pre-flight risk analysis requirement proposed under § 135.615 may provide a sufficient alternative for these operators because of their limited scope of operations.[23]

The FAA requests comments on whether the requirement should be dependent on fleet size or number of operations conducted. The agency asks that comments be accompanied by data regarding the number of operations conducted by helicopter air ambulances and/or the typical number of hours flown per aircraft.

The FAA is proposing in § 135.617 to require the staffing of operations control centers with operations control specialists, rather than certificated aircraft dispatchers.[24] The training program associated with FAA-certificated aircraft dispatcher licensing is primarily focused on large, fixed-wing, transport category aircraft operating under part 121. While aspects of this training, such as weather information and radio communication, are relevant to helicopter operations, this proposal is designed to permit certificate holders to create training programs directly applicable to helicopter air ambulance operations. Accordingly, the FAA sought to incorporate the more general elements of part 65-certificated aircraft dispatcher training into the proposed requirements for training operations control specialists. Although the FAA is not proposing to require formal certification of operations control specialists, it may consider formal FAA certification of these individuals in the future if appropriate.

The FAA notes that certificate holders could be subject to enforcement action for using inadequately trained operations control specialists, or may be responsible for errors committed by an operations control specialist. Likewise, an operations control specialist also could be subject to enforcement action or civil penalties if he or she failed a drug test, functioned as an operations control specialist without completing training or passing examinations, or verified false entries on a pre-flight analysis worksheet.

Certificate holders may want to hire certificated aircraft dispatchers, or others with general aviation or weather knowledge, to serve as operations control specialists. This proposal would allow a certificate holder to offer individuals with recent, relevant experience an initial training course that features a reduced number of hours of initial training, focusing on the certificate holder-specific training topics addressed below. A reduced training program would be permissible because of the knowledge these individuals have obtained through training for other positions that is applicable to the operations control specialist position. This benefit would be extended to the following persons with specific aviation-related training—(1) Military pilots, flight navigators, and meteorologists; (2) civilian pilots, flight engineers, meteorologists, air traffic controllers, and flight service specialists involved in air carrier operations; and (3) certificated aircraft dispatchers involved in part 121 operations. This provision is similar to 14 CFR 65.57, which permits individuals who have not graduated from an aircraft dispatcher school, but who have relevant aviation experience, to apply for an aircraft dispatcher certificate.

In addition, with respect to the pre-flight risk analysis that would be required under this proposal for all helicopter air ambulance operations,[25] the operations control specialist would ensure that the pilot completed the pre-flight risk analysis worksheet, confirm and verify the entries on the worksheet, and work with the pilot to mitigate any identified risk. The operations control specialist, along with the pilot in command, would be required to acknowledge in writing (by signing, initialing, or another method as defined in the certificate holder's operations manual) that the worksheet had been completed accurately. The FAA believes that the operations control specialist's

[21] The FAA notes that this proposal is not intended to limit two-way communication between the operations control specialist and the pilot to traditional two-way radio communication. Rather, other means of communication, such as satellite phone or data link, also would be acceptable.

[22] *See* section III.A.1.d. of the preamble to this NPRM.

[23] *See* section III.A.1.d. of the preamble to this NPRM.

[24] Aircraft dispatchers, certificated under part 65, generally are employed by part 121 air carriers and specialize in scheduled air carrier transportation.

[25] *Id.*

review of the risk assessment will provide an additional measure of safety to helicopter air ambulance flights. By signing the worksheet, the operations control specialist will be indicating that he or she agrees with the level of risk associated with that flight.

Operations control specialists would be performing safety-sensitive functions such as providing pre-flight weather assessment, assisting with fuel planning, alternate airport weather minima, and communicating with pilots regarding operational concerns during flight. These duties are similar to those of an aircraft dispatcher, and therefore, operations control specialists would be subject to the restrictions on drug and alcohol use, and to a certificate holder's drug and alcohol testing program as described in 14 CFR part 120.

To ensure operations control specialists are capable of performing safety-sensitive functions, § 135.617 would require certificate holders to establish and implement an FAA-approved initial and recurrent training and testing program for operations control specialists. Operations control specialists would be required to undergo training and testing on—(1) General aviation topics such as weather, navigation, flight-monitoring procedures, air traffic control procedures, aircraft systems, and aircraft limitations and performance; and (2) topics specific to each certificate holder, such as aviation regulations and operations specifications, crew resource management, and the local flying area. Initial training would address both the general aviation and certificate holder-specific topics. Recurrent training would focus on certificate holder-specific topics. The FAA believes that the certificate holder-specific topics are more likely to change from year to year than the more general topics, justifying a more frequent rate of testing.

An individual would need to receive initial training and pass an FAA-approved written and practical test developed and given by the certificate holder before performing duties as an operations control specialist. An individual would not be able to continue as an operations control specialist unless he or she completed annual recurrent training and passed a written and practical test given by the certificate holder. The certificate holder would be responsible for maintaining records of the training and tests given to each operations control specialist for the duration of that individual's employment and for 90 days thereafter.

This proposal also would establish daily duty periods for operations control specialists which are based on the part 121 aircraft dispatcher duty time requirement. A certificate holder could schedule an operations control specialist for a maximum of 10 consecutive hours of duty. If an operations control specialist's duty time exceeds 10 hours in a 24-hour period, then the certificate holder would be required to provide at least 8 hours of rest before that individual's next duty period. Such a circumstance may occur if a flight monitored by the operations control specialist is not complete until after the end of his or her scheduled 10-hour duty period. The operations control specialist would be required to remain on duty until each flight he or she is monitoring is complete, until those flights have left the operations control specialist's jurisdiction, or until relieved by another operations control specialist. The certificate holder must provide adequate time at the beginning of a shift to allow the operations control specialist to become familiar with current and expected weather conditions for the area of operations. The certificate holder must also establish a checklist of the subjects to be discussed during shift changes. The checklist should contain subjects such as current and forecasted weather, helicopter maintenance status, helicopter operations in progress, and other relevant information. In addition to duty time limitations, this proposal would require that every 7 consecutive days, an operations control specialist be provided 24 consecutive hours of rest.

This requirement would take effect 2 years after the effective date of the final rule. The FAA believes that this would provide certificate holders with ample time to establish operations control centers, develop training and testing programs, and to hire and provide the estimated 80 hours of training required of operations control specialists.

Although not specifically proposed here, the FAA seeks comment on whether to require operations control specialists to obtain a certificate of demonstrated proficiency from the FAA. The FAA is considering this requirement because it would enable the agency to suspend or revoke an operations control specialist's certificate of demonstrated proficiency, thereby ensuring that person could not continue to hold the operations control specialist position if his or her actions merited such a response. Individuals would not be permitted to serve as an operations control specialist without obtaining a certificate of demonstrated proficiency.

It the FAA were to adopt this approach, the agency anticipates that it would issue a certificate of demonstrated proficiency to an individual upon notification by a certificate holder that the individual has successfully completed the certificate holder's FAA-approved initial training and testing requirements. Anticipating that there may be a period of time between notification and issuance of a certificate of demonstrated proficiency, the FAA would permit a person to serve as an operations control specialist from the date the certificate holder notifies the FAA that the person has met the training and testing requirements.

Certificates of demonstrated proficiency would be valid for the length of time that an operations control specialist works for a certificate holder. If a certificated operations control specialist were to leave one certificate holder to work for another, he or she would need to obtain a new certificate following completion of the new employer's training and testing program.

In the full Regulatory Evaluation in the public docket for this rulemaking, the FAA estimates that the proposed requirement for certificate holders with 10 or more helicopters engaged in helicopter air ambulance operations to establish operations control centers could cost $97 million or $60 million present value to implement over 10 years. The FAA specifically requests comments, accompanied by data, on the accuracy of this cost estimate. In addition, the agency requests comments on how effective this requirement would be in preventing accidents, as well as suggested alternatives for achieving comparable safety benefits.

c. VFR/IFR Procedures

The FAA is proposing a series of operational initiatives to increase the safety of helicopter air ambulance operations. Specifically, the FAA is proposing to—(1) Increase VFR weather minima, (2) allow IFR operations at locations without weather reporting, (3) specify procedures for VFR/visual transitions from instrument approaches, and (4) require additional VFR flight planning. These proposals are intended to reduce accidents due to CFIT, obstacle collisions, accidents during night operations, and accidents resulting from inadvertent flight into IMC by prescribing more stringent VFR requirements and providing more opportunity for IFR operations. These rules are proposed only for helicopter air ambulance operations because of the unique environment in which those operations are conducted, including off-airport or heliport landings and potentially time-sensitive operations. The FAA notes that these proposals address recommendations made by the Part 125/135 ARC.

The FAA believes that the following accident is indicative of the type that this section of the proposal is intended to prevent. On January 11, 1998, a Bell 222UT, operating under part 135 with no filed flight plan and originating near Sandy, UT, encountered inadvertent IMC due to extremely poor weather. Shortly after take off, the helicopter collided with mountainous terrain resulting in fatal injuries to all on board. The NTSB cited the cause of the accident as the pilot's failure to "maintain sufficient clearance or altitude from mountainous terrain," and continuing into known adverse weather. NTSB Accident Report FTW98FA093 (Oct. 30, 1998).

The FAA proposes for these provisions to take effect at the effective date of the final rule.

i. Increase VFR Weather Minima (§ 135.607)

The FAA is proposing to add § 135.607 to prescribe more stringent VFR weather minima for helicopter air ambulance operations in uncontrolled airspace than those currently established in part 135.

Currently, § 135.205 requires visibility of at least ½ statute mile during the day and 1 statute mile at night for VFR helicopter operations at an altitude of 1,200 feet or less above the surface in Class G airspace. For certificate holders conducting helicopter air ambulance operations, Operations Specification A021 sets forth more stringent weather minima for VFR operations conducted in uncontrolled airspace. This rule would codify the weather requirements of Operations Specification A021.

The NTSB cited in its 2006 Special Investigation Report two examples of fatal accidents that may have been prevented if the operations had been conducted according to the weather minima contained in the part 135 helicopter air ambulance operations specifications in effect at the time of the investigation. The first was the 2003 Salt Lake City, UT, accident in which a helicopter air ambulance crashed into terrain when weather conditions were below part 135 minima. The other accident occurred in Redwood Valley, CA, when a helicopter air ambulance crashed into mountainous terrain during high winds and heavy rain. The Safety Board concluded that EMS operations would be improved if all emergency medical services were operated under part 135. The NTSB subsequently issued Safety Recommendation A–06–12 recommending that the FAA require all emergency medical services operators to comply with part 135 operations specifications while conducting flights with medical personnel on board. This proposal would address that safety recommendation.

The proposed weather minima for uncontrolled airspace are determined by whether the flight is taking place in a mountainous or non-mountainous area, and whether, within those classifications, the flight is taking place in a certificate holder's local flying area or is a cross-country flight. As defined in proposed § 135.601, a local flying area is an area that the certificate holder designates as one in which its pilots are familiar with the terrain and other obstacles. Weather minima are less stringent in local flying areas because of pilots' increased familiarity with obstacles and the operating environment as compared with other cross-country areas. A local flying area would be limited to a 50-nautical mile (NM) radius because the FAA believes that a pilot would not be able to demonstrate detailed knowledge of hazards such as towers and high-altitude terrain within a larger area. The local flying area definition would codify the language of Operations Specification A021 issued on January 23, 2006.

Table 1 shows the proposed VFR minimum altitudes and visibility requirements.

TABLE 1—VFR MINIMUM ALTITUDES AND VISIBILITY REQUIREMENTS

Location	Weather Minima		
	Day	Night	Night using an approved NVIS or HTAWS
Nonmountainous local flying areas	800-foot ceiling, 2 statute miles visibility.	1,000-foot ceiling, 3 statute miles visibility.	800-foot ceiling, 3 statute miles visibility.
Nonmountainous cross-country flying areas.	800-foot ceiling, 3 statute miles visibility.	1,000-foot ceiling, 5 statute miles visibility.	1,000-foot ceiling, 3 statute miles visibility.
Mountainous local flying areas	800-foot ceiling, 3 statute miles visibility.	1,500-foot ceiling, 3 statute miles visibility.	1,000-foot ceiling, 3 statute miles visibility.
Mountainous cross-country flying areas.	1,000-foot ceiling, 3 statute miles visibility.	1,500-foot ceiling, 5 statute miles visibility.	1,000-foot ceiling, 5 statute miles visibility.

In all flying areas, certificate holders conducting operations in a helicopter equipped with an FAA-approved night-vision imaging system (NVIS) or FAA-approved HTAWS could apply lower weather minima during night operations. Those requirements would be less stringent than the basic night operations minima because of the obstacle and CFIT avoidance benefits obtained from those devices. An approved NVIS would require, at minimum, a night vision goggle (NVG) system as defined in paragraph 1.2 of RTCA/DO–275, *Minimum Operational Performance Standards for Integrated Night Vision Imaging System Equipment,* which states that the NVIS system includes not only the NVGs themselves, but also interior and exterior lighting, windshield and windows, and general crew station design requirements. RTCA/DO–275, paragraph 1.6.1, defines NVGs as binocular systems. Under this proposal the FAA does not intend to change the term "NVIS" to include systems other than NVGs. Therefore, unless equipped with HTAWS, operators using systems that do not meet the definition of "NVIS" would not be permitted to use the NVIS weather minima in § 135.607.

Because of the requirement proposed in § 135.605 for all helicopter air ambulances to be equipped with HTAWS within 3 years of the effective date of the final rule (discussed in section III.A.2.a.), it is anticipated that all certificate holders would eventually operate under these reduced night operations weather minima. The FAA seeks comment on the interrelationship of these two proposed requirements.

The FAA believes that requiring all VFR legs of a helicopter air ambulance operation to comply with more stringent weather requirements would be an effective method of increasing safety in helicopter air ambulance operations. The FAA does not believe that certificate holders would need to make significant changes to their operations because this proposed rule would

incorporate the operating limitations and the weather minima already applicable under Operations Specification A021.

ii. IFR Operations at Airports and Heliports Without Weather Reporting (§ 135.609)

The FAA is proposing to add § 135.609 to allow helicopter air ambulance operators to conduct IFR operations at airports and heliports without a weather reporting facility. Currently, the regulations only permit IFR operations into and out of airports with an on-site weather reporting source. The proposed rule would allow certificate holders to obtain operations specifications permitting IFR operations into and out of locations without a weather reporting facility if they are able to obtain weather reports from an approved weather reporting facility located within 15 NM of the destination landing area. The FAA believes that this provision would increase the use of IFR by helicopter air ambulance operators and result in more aircraft operating in a positively controlled environment, thereby increasing safety.

The FAA has granted exemptions from these regulations to helicopter air ambulance operators and based this proposal on those exemptions.[26] In Exemption No. 9490, the FAA determined it was "safer and in the public interest to conduct operations under IFR rather than VFR particularly in low and marginal weather conditions" because IFR operation is an effective method of countering CFIT accidents. Additionally, this provision would codify a similar provision in Operations Specification A021 issued to helicopter air ambulance operators.

The FAA notes that this proposal would not relieve a pilot from the requirement to assess the landing conditions before descending below the minimum descent altitude set forth in § 91.175. To operate in this environment, certificate holders also would be required to implement additional safety measures beyond those otherwise required for IFR flight to ensure the pilot has the appropriate tools to operate the helicopter safely into locations without weather reporting. For example, helicopters used in these operations would have to be equipped with an autopilot and navigation equipment appropriate to the approach to be flown, such as an IFR-certified global positioning system (GPS) or wide area augmentation system (WAAS) receiver. Additionally, to help the pilot ascertain the weather in the aircraft's vicinity, § 135.609 would require helicopters to be equipped with severe weather detection equipment, such as weather radar or lightning detection equipment. The "navigation equipment appropriate to the approach to be flown" is necessary because, for example, although an ILS approach at the nearby municipal airport may provide the lowest planning minima, if the aircraft is equipped with only a GPS, the lower planning minima of the ILS are unusable.

Section 135.609 not only establishes aircraft equipment requirements to ensure a higher level of safety and to mitigate the associated risk, but also requires certain training of the flightcrew. That training is tailored to the operating environment and the weather observations needed at those locations. These equipment and training requirements are found in the exemptions referenced above. The FAA believes that these additional equipment and training requirements are necessary to compensate for the lack of specific weather information available at the destination.

iii. IFR to VFR/Visual Transitions (§ 135.611)

The FAA is proposing to add § 135.611 to establish weather minima for transitions to the VFR segment of an instrument approach.[27] Pilots conducting an IFR approach would, upon reaching a point in space at a minimum descent altitude, continue the flight to the landing area under VFR if conditions permit. This provision would facilitate operations under IFR with their associated safety benefits.

Proposed § 135.611(a)(1) establishes the requirements for instrument approaches containing the instruction to "proceed visually" from the missed approach point (MAP). For these approaches, the weather minima reflected on the approach chart would apply.

For PinS Copter Special Approaches, proposed 135.611(a)(2) would permit operations under lower weather minima than currently allowed for cruise flight in uncontrolled airspace when transitioning from IFR to a VFR segment on approach. These approaches contain the instruction to "proceed VFR." The applicable minima are based on the distance from the MAP to the landing area. The pilot would therefore need to evaluate the proximity of the MAP to the landing area to determine the appropriate VFR minima, which are based on the distance from the landing area. Under proposed § 135.611(a)(2)(i), the visibility must be at least 1 statute mile if the MAP is within 1 NM of the heliport of intended landing. To make the transition from IFR flight to VFR from a point in space 3 NM or less from the destination, a pilot would need to have 2 statute miles of visibility and a 600-foot ceiling during the day, or 3 statute miles of visibility and a 600-foot ceiling at night in accordance with § 135.611(a)(3).

The FAA recognizes that the area between the MAP and the "heliport of intended landing" (i.e. the heliport reflected on the approach chart as no deviation to another location is authorized in this case) has been flight checked but may not meet the requirements to "proceed visually." The FAA recognizes that obstacles in the vicinity of an instrument approach are flight-checked and marked on instrument approach charts. Approach charts are updated more frequently than the sectional charts used in VFR operations. Therefore, it is less likely that pilots would encounter unexpected obstacles when following an approach documented on an instrument approach chart than when en route using a sectional chart.

The FAA recognizes that a helicopter air ambulance operator may follow a special or standard instrument approach to a heliport or airport to descend below weather and then transition to VFR flight to land at another location. In that case, the minima of § 135.611(a)(3) or § 135.611(a)(4) would apply, depending on the distance to the intended landing area, which could be an off-site location.

Lastly, if a pilot transitions from IFR to VFR from a point in space more than 3 NM from the destination, the higher weather minima of proposed § 135.607 would apply. The FAA selected 3 NM because that distance is the standard amount of visibility required for VFR

[26] Exemption Nos. 9490 and 9490B (Regulatory Docket No. FAA–2006–26407); Exemption No. 9665 (Regulatory Docket No. FAA–2008–0169); Exemption No. 6175 (Regulatory Docket No. FAA–2001–9195) (granting authority for departures only); Exemption No. 6175G (Regulatory Docket No. FAA–2001–9195).

[27] The approaches permitted under IFR PinS Copter Special Instrument Approach Procedures, and IFR Standard and certain Special Instrument Approach Procedures (IAPs) are developed by the FAA using standardized methods associated with the U.S. Standard for Terminal Instrument Procedures (TERPs). IFR Standard and PinS Copter Special Instrument Approach Procedures are publicly available approaches for use by appropriately qualified pilots operating properly equipped and airworthy aircraft. Special IAPs generally service private-use airports or heliports, and the FAA authorizes only certain individual pilots or pilots in individual organizations to use these procedures. Special IAPs may require additional crew training and/or aircraft equipment or performance, and may also require the use of landing aids, communications, or weather services not available for public use. Instrument approach procedures that service private use airports or heliports are generally special IAPs.

operations in controlled airspace in the lower altitudes.

This proposed rule also sets forth standards for pilots departing a destination if they used the provisions of this section to access that location. The same weather minima would apply to the departure if the pilot has filed an IFR flight plan and will obtain IFR clearance within 3 NM of the departure location, and if the pilot departs following an FAA-approved obstacle departure procedure. However it is important to note that a pilot who simply flies the reverse course of the approach used when landing would not be following an FAA-approved obstacle departure procedure, as this procedure has not been flight-checked to specific departure criteria.

The FAA believes that flights conducted under IFR obtain many safety benefits such as obstacle clearance, aircraft separation, and possible weather avoidance, thereby reducing obstacle collisions, CFIT, and wire strikes. The proposed rule would benefit pilots by enabling them to access more destinations by flying within the IFR structure, and then continuing on a VFR segment that has been flight checked for obstacles by the FAA. If the flight can be continued, then the pilot would have the benefit of operating through an area where obstacles have been flight checked and marked by the FAA. If the flight cannot continue under VFR, then the pilot must maintain IFR flight and continue to an alternate destination consistent with current regulations.

This proposal would implement Part 125/135 ARC recommendations. Also, this proposal would codify the provision of Operations Specification A021 regarding weather minima to be used during transitions to VFR flight with changes pertaining to Copter Special Instrument Approaches.

iv. VFR Flight Planning (§ 135.613)

The FAA is proposing to add § 135.613 to require helicopter air ambulance pilots to perform pre-flight planning to determine the minimum safe altitude along the planned en route phase of flight when conducting VFR operations.

The FAA is proposing to require pilots to evaluate, document, and plan to clear terrain and obstacles along the planned route of flight by no less than 300 feet for day operations, and 500 feet for night operations. The pilot would use this minimum safe cruise altitude when determining the minimum required ceiling and visibility for the planned flight. If the weather minima would not permit VFR flight at the minimum safe cruise altitude, the pilot could either conduct the flight under IFR, or not conduct the flight. Pilots could deviate from the planned flight path if conditions or operational considerations necessitate a deviation. However, during such deviations, the pilot would not be relieved from weather or terrain/obstruction clearance requirements.

If changes to the planned flight occur during flight, the pilot could continue along the new route until reaching his or her destination without re-planning the flight using the requirements of proposed § 135.613. However, upon reaching an intermediate stop, the pilot would have to evaluate the new route for terrain and obstacle clearance while the aircraft is on the ground before departure.

This proposal is intended to prevent obstacle collisions by requiring pilots to be aware of the terrain and highest obstacles along a planned route. The proposal would codify a provision of Operations Specification A021, issued to all helicopter air ambulance certificate holders, which requires the identification and documentation of the highest obstacle along the planned route before VFR operations.

d. Pre-Flight Risk Analysis (§ 135.615)

The FAA is proposing to add § 135.615 to require certificate holders to implement pre-flight risk-analysis programs. The FAA believes that pre-flight risk analysis may prevent accidents by mitigating risks before flight. This proposal is intended to provide certificate holders with the means to assess risk and make determinations regarding the flight's safety before launch.

Pre-flight risk assessment has been the subject of FAA guidance, industry best practices, and an NTSB study. On August 1, 2005, the FAA published Notice 8000.301, *Operational Risk Assessment Programs for Helicopter Emergency Medical Services,* which provided guidance to inspectors on risk-assessment programs used in helicopter air ambulance operations. The notice discussed concepts used in a risk management and assessment program, and provided examples of risk variables that a certificate holder could consider in the decision to launch a flight. These variables included weather, flight crewmember performance, operating environment, airworthiness status of the helicopter, and weather. The notice also included several examples of risk-assessment matrices that certificate holders could use in their operations, and included the concept of consulting with management personnel if the risk level reached a certain level. The notice also encouraged pilots to obtain information pertaining to a planned operation from a number of sources, including mechanics, communications specialists, and flight medical personnel, when determining risks associated with a flight operation.

Notably, a basic concept of a risk assessment program articulated in the notice is that the pilot's authority to decline a flight assignment is supreme, while his or her decision to accept a flight is subject to review if risks are identified. The notice stated that once the pilot has declined a flight assignment, other parties, such as a certificate holder's management personnel, should not continue the risk assessment pertaining to that flight in an effort to override the pilot's decision to decline the assignment.

On January 28, 2006, the FAA published SAFO 06001, which recommended that certificate holders apply "safety attributes or risk management/assessment strategies to each flight."

In AC 120–96 (May 5, 2008), the FAA recognized that operations control centers provide improvements in pre-flight risk analysis and conceptualized joint mission responsibility shared by pilots and operations control centers. This AC also provides practical examples of pre-flight risk analyses and how such analyses can be integrated into helicopter air ambulance operations. The AC discusses that operations control specialists may assist helicopter air ambulance pilots by participating in risk analysis, providing supplementary information regarding weather, route information, and landing zones, monitoring flight information such as weather, and monitoring flight progression.[28]

A January 2009 FAA survey of inspectors with oversight of helicopter air ambulance operations found that 94 percent of helicopter air ambulance operators have some type of decision-making and risk-analysis programs in place. The survey did not reveal the extent of these decision-making and risk-analysis programs; however, the FAA believes that the models currently in use incorporate government, industry,[29] and military risk-analysis

[28] The FAA has issued other ACs relevant to this topic. Advisory Circular 135–14A *Emergency Medical Services/Helicopter (EMS/H)* (June 20, 1991) included guidance on "Judgment and Decisions," and Advisory Circular 120–51E *Crew Resource Management Training* (Jan. 22, 2004) discussed the importance of developing pilot-error management skills and procedures.

[29] The International Helicopter Safety Team (IHST) and the Helicopter Association International (HAI) have developed resources, such as IHST's

Continued

practices as these entities have been the primary entities developing such programs.

The NTSB also has addressed the need for pre-flight risk analysis. In its 2006 *Special Investigation Report on Emergency Medical Services Operations,* the NTSB concluded, based in part on its investigations of three fatal helicopter air ambulance accidents, that the "implementation of flight risk evaluation before each mission would enhance the safety of emergency medical services operations."[30] With regard to the 2003 Salt Lake City, UT, accident in which a helicopter air ambulance crashed into terrain in poor weather conditions, the NTSB noted that had the pilot been required to perform a systematic evaluation of the flight risks (including assessments of weather minima and route of flight), the pilot may not have accepted the mission. The NTSB also cited the 2004 Battle Mountain, NV, fatal accident in which a helicopter air ambulance transporting a patient crashed into mountainous terrain while on a direct route in deteriorating weather conditions, and believed that if the pilot had performed a risk evaluation, he may have chosen a different route, and the accident may have been prevented. The NTSB also identified the 2004 Pyote, TX, fatal accident, in which a helicopter air ambulance transporting a patient crashed into terrain while maneuvering in reduced-visibility conditions and noted that the pilot had not performed a risk assessment.

The FAA's proposal is intended to provide standard guidelines for the implementation of pre-flight risk analysis procedures. Under the proposal, the pilot in command of a helicopter air ambulance would be required to conduct a pre-flight risk assessment before the first leg of each helicopter air ambulance operation. Helicopter air ambulance operations generally consist of two legs, such as a hospital-to-hospital transfer, or three legs, in which the helicopter departs its base to pick up a patient, transfers the patient to a hospital, then returns to base. The pre-flight analysis only would need to be conducted before departure on the first leg, but should be conducted with consideration for each leg of the operation. The pilot also would be required to sign the completed risk analysis worksheet, and provide the date and time of signing. Through this requirement, the FAA intends to highlight that the pilot is responsible for accurately completing this worksheet.

The FAA proposes to require certificate holders to establish their risk assessment procedures and document them in their operations manuals. A pre-flight risk analysis would consist of at least the following: (1) Flight considerations (for example, a review of any obstructions and terrain along the entire intended route, altitude considerations for the area being flown, and fuel considerations); (2) human factors (for example, whether a pilot may be affected by personal stress, knowledge of the patient's injuries (*e.g.,* pediatric, or critical injury), fatigue, and experience in the type of operation to be conducted); (3) weather along the intended route (for example, weather for take off, en route, and destination airports to include forecasts); (4) whether another operator has refused or rejected the flight request; and (5) strategies for mitigating identified risk, including obtaining and documenting the certificate holder's management personnel's approval of the decision to accept a flight when the risks are elevated. Certificate holders would be permitted to add additional categories to mitigate risks associated with their specific operations.

As previously noted, certificate holders would be required to develop a method to determine whether the flight request had been offered to another company. This provision is intended to combat the practice of "helicopter shopping" in which a flight request turned down by one company will be offered to another. If another company had been offered and refused the flight, it is important to understand why the flight was refused. If a flight was refused because of weather considerations, that information should feature prominently in the second company's pre-flight risk analysis. However, if the first company turned down the flight because its helicopter was inoperative, then that refusal likely would not impact the risk assessment for the second company in determining whether to accept the flight. The FAA notes that the helicopter air ambulance industry has taken steps to address this problem, for example by creating a Web site (*http://www.weatherturndown.com*) where companies can report when they do not accept a flight and the basis for the decision. Nevertheless, the FAA is proposing a requirement to ensure that this practice is adopted by all certificate holders authorized to conduct helicopter air ambulance operations.

In addition, the proposal would require certificate holders to establish a procedure for obtaining and documenting management personnel's decision to launch a flight when the risk reaches a predetermined level. This provision is designed so that pilots will seek a second opinion regarding whether to launch. This would be particularly effective where the risk is not so great that it is clear that the flight should be refused, but rather when it is at a level where a pilot may be unsure about the flight's safety, and the pilot may feel personal pressure to perform the flight and perhaps save a life despite the identified risks. The FAA emphasizes the basic concept articulated in Notice 8000.301 that risk analysis forms should not be used by a certificate holder's management personnel, or others within an organization, to override a pilot's decision to decline a flight assignment.

The FAA's proposal also would require certificate holders to retain the original or a copy of completed pre-flight risk analysis worksheets for at least 90 days from the date of the operation. Certificate holders would be permitted to determine where the completed worksheets will be kept, but the procedures for collecting the worksheets and maintaining the records would need to be outlined in certificate holders' operations manuals.

The FAA notes that this proposal would respond to NTSB Safety Recommendation A–06–13 in which the NTSB recommended that the FAA require helicopter air ambulance operators "to develop and implement flight risk evaluation programs that include training all employees involved in the operation, procedures that support the systematic evaluation of flight risks, and consultation with others in EMS flight operations if the risks reach a predefined level." This proposal also may contribute to a certificate holder's overall safety program because a pre-flight risk assessment would be a method of incorporating proactive safety methods into a company's flight operations. Accordingly, this proposal also would partially address NTSB Safety Recommendation A–09–89 regarding the implementation of sound risk management practices.

Certificate holders would be required to comply with this provision by the effective date of the final rule.

e. Medical Personnel Pre-Flight Briefing (§ 135.619)

The FAA is proposing to add § 135.619 to require that medical personnel on board a helicopter air ambulance flight receive a supplemental pre-flight safety briefing with information specific to helicopter air

"Safety Management System Toolkit," to assist operators with implementing risk-analysis programs.

[30] NTSB, *Special Investigation Report on Emergency Medical Services Operations* ((NTSB/SIR–06/01) 4 (Jan. 25, 2006).

ambulance flights. This information would be in addition to the passenger briefing currently required under part 135. As an alternative to the proposed pre-flight safety briefing, certificate holders would be permitted to provide training every 2 years to medical personnel through an FAA-approved training program. This proposal would positively affect the safety of operations because as a result of an increased familiarity with the aircraft and emergency procedures, medical personnel would be less likely to inadvertently introduce risk to the operation when outfitting the passenger compartment the purpose of providing medical treatment and when providing medical care to a patient.

The following accidents exemplify the types of accidents that this proposal is intended to prevent.

On November 9, 2004, the pilot of a Bell 206L1 helicopter, operated under part 91 near Tulsa, OK, lost control during cruise flight and crashed causing substantial damage to the helicopter. The pilot stated that the medical personnel added two oxygen tanks in the cargo area before takeoff. The oxygen tanks were stacked and reached approximately the same height as the cargo area's latch release. The NTSB noted the accident was caused by the loss of tail rotor drive as a result of a blanket coming in contact with the tail rotor blades after the baggage compartment door unlatched during flight. NTSB Accident Report DFW05LA019 (Feb. 24, 2005).

On March 6, 2003, a pilot operating a Bell 206L–3 under part 91 lost control of the helicopter. No injuries were sustained by the flightcrew or medical personnel on board. Before takeoff to pick up a patient in Llano, TX, medical personnel opened and closed the aft cargo compartment. The NTSB noted that the accident was caused by a blanket from the aft cargo compartment that entered into the tail rotor blades causing the pilot's loss of control. The NTSB determined that the aft cargo compartment lock was fully operational, and a contributing cause of the accident was medical personnel improperly securing this compartment. NTSB Accident Report FTW03LA104 (Aug. 26, 2003).

Under the proposal, certificate holders would be required to brief medical personnel before flight on specific topics including the physiological aspects of flight (how flight affects the human body), patient loading and unloading, safety in and around the aircraft, and emergency procedures. This briefing would supplement the passenger briefing requirements found in § 135.117(a) and (b). The FAA believes that an additional safety briefing is warranted because of the unique role of medical personnel on helicopter air ambulance flights, which may include working around an operating helicopter, patient loading and unloading, and providing medical care within a compact, moving, vehicle. The FAA would permit the briefing to be provided once per shift for medical personnel assigned to a helicopter air ambulance base.

The FAA is proposing to allow certificate holders the option to provide safety training to medical personnel in lieu of the pre-flight briefing. Training topics would include the same topics addressed in the proposed pre-flight safety briefing. The FAA believes that it would be advantageous to certificate holders to implement medical personnel training programs. Training programs would help ensure that medical personnel serving on board their helicopters have enhanced knowledge of the required training topics and a greater familiarity with the aircraft than those who receive only the pre-flight briefing. The FAA anticipates that certificate holders who fly with a consistent group of medical personnel would take advantage of this provision to expedite operations. The proposal would require that the certificate holder's training program be approved by the FAA, and that medical personnel receive training every 24 months. The training program would include a minimum of 4 hours of ground training and 4 hours of training in and around a helicopter air ambulance. In the event some medical personnel on board a helicopter air ambulance flight have received this training, but others have not, the pilot in command would be required to provide the proposed supplemental pre-flight safety briefing.

The FAA notes that these provisions incorporate aspects of agency guidance in AC 135–14A, *Emergency Medical Services/Helicopter,* which includes suggested training for medical personnel in aviation terminology, use of medical equipment in the aircraft, physiological aspects of flight, and patient loading and unloading. This proposal also incorporates aspects of AC 00–64, including human factors, training, encouraging communications, and promoting standard operating procedures.

Under the proposal, the FAA would require the certificate holder to document the training it provides to each individual who serves as medical personnel, and maintain a record of that training for 26 calendar months following the individual's completion of training. This record would include the individual's name, the most recent date that training was completed, and a description, copy, or reference to the training materials used. The FAA is proposing this period of time because the training provided to medical personnel would expire after 24 months, and the additional 60-day period would ensure that the records would be available for review by the FAA after the training had expired, if necessary.

Certificate holders would be required to comply with this provision by the effective date of the final rule.

2. Equipment Requirements

a. Helicopter Terrain Awareness and Warning Systems (HTAWS) (§ 135.605)

The FAA is proposing to add § 135.605(a) to require that all helicopters used in air ambulance operations be equipped with HTAWS. The FAA believes that HTAWS would assist helicopter air ambulance pilots in maintaining situational awareness of surrounding terrain and obstacles, and therefore help prevent accidents caused by CFIT, loss of control, inadvertent flight into IMC, and night operations. HTAWS has particular relevance to helicopter air ambulance operations, which often are conducted at night and into unimproved landing sites.

HTAWS[31] is a helicopter-specific application of TAWS technology. TAWS technology originally was developed for airplanes and is required on turbine-powered airplanes configured with six or more passenger seats used in part 135 operations. In 2005, the FAA recommended that helicopter air ambulance operators consider using TAWS for night operations when conditions and mission dictate.[32] However, TAWS technology presents operational difficulties, such as nuisance warnings, when used in helicopters. HTAWS takes into account that helicopters generally do not fly as fast as airplanes and typically operate closer to the ground in hazard-rich environments. HTAWS assesses the aircraft's position over a smaller area of terrain than TAWS to prevent warnings to pilots of terrain or obstacles that do not immediately pose a hazard. The FAA believes that the decrease in nuisance warnings with HTAWS increases the usefulness of the equipment. It is because of these

[31] HTAWS uses its position sources to determine a helicopter's horizontal and vertical position and compare it to surrounding terrain. HTAWS derives a helicopter's ground speed, position, and altitude from a global positioning system (GPS) and a pre-programmed algorithm database installed and maintained by the HTAWS manufacturer.

[32] Notice 8000.293.

significant differences that the FAA is proposing to require certificate holders to install HTAWS and would not accept TAWS designed for an airplane as an alternate means of compliance.

In 2006, RTCA, Inc. established a special committee that developed RTCA/DO–309, *Minimum Operational Performance Standards (MOPS) for Helicopter Terrain Awareness and Warning System (HTAWS) Airborne Equipment.* The FAA subsequently issued TSO–C194, which sets out the minimum performance standards for HTAWS. A survey of FAA inspectors revealed that 41 percent of certificated helicopter air ambulance operators have started equipping their helicopter fleets with TAWS. However, the FAA did not ask in its survey whether these devices were compliant with TSOs for TAWS (TSO–C151, *Terrain Awareness and Warning System*) or HTAWS (TSO–C194). The FAA recognizes that some certificate holders voluntarily equipped their helicopters with TAWS, or other TAWS-like devices, that may not meet the standards of TSO–C194 for HTAWS. Nevertheless, the FAA is proposing that these certificate holders equip their helicopter air ambulances with HTAWS because of the differences between TAWS and HTAWS. The FAA proposes to incorporate the standards articulated in TSO–C194 by reference in § 135.605(a).

The FAA believes the following accident is illustrative of the type of accident that may be prevented if helicopters are equipped with HTAWS. On March 21, 2002, a Eurocopter AS–350B helicopter, returning to its base in Susanville, California, collided with the surface of a lake. The pilot became disoriented as they flew over the "glassy smooth" water, and subsequently descended "within 20 to 50 feet of the lake surface" and eventually struck the lake surface causing fatal injuries to the pilot and serious injuries to the medical personnel. The NTSB determined that the causal effect of the accident was the pilot's failure "to maintain sufficient altitude/clearance above the water while performing a low altitude flight." The NTSB also cited as contributing factors the "the glassy water conditions, and lack of visual cues concerning perception of altitude." *See* NTSB Accident Report LAX02FA114 (Apr. 28, 2004).

In its January 25, 2006, *Special Investigation Report on Emergency Medical Services Operations,* the NTSB stated that the "use of terrain awareness and warnings systems would enhance the safety of emergency medical services flight operations by helping to prevent controlled flight into terrain accidents that occur at night or during adverse weather conditions." [33] The NTSB cited the 2004 Pyote, TX, fatal accident in which a helicopter air ambulance transporting a patient crashed into terrain while maneuvering in reduced-visibility conditions. The NTSB stated that if "a TAWS had been installed and appropriately set to a minimum safe altitude setting, the pilots would have received ample warning during their respective aircraft's gradual descent into terrain * * *." The FAA notes that this proposal addresses NTSB Safety Recommendation A–06–15, which called on the FAA to require helicopter air ambulance operators "to install terrain awareness and warning systems on their aircraft and to provide adequate training to ensure that flight crews are capable of using the systems to safely conduct EMS operations." [34]

The FAA notes that other organizations recognize the value of HTAWS. The Flight Safety Foundation found that HTAWS could address risk-associated low-level VFR operations, especially at night.[35] The Air Medical Physician Association noted that a team organized to study helicopter air ambulance accidents determined that TAWS could be a highly effective accident intervention strategy.[36] The team made its determinations by reviewing the technical, financial, regulatory, and operational feasibility of its proposed interventions.

Under the proposal, the FAA would give certificate holders 3 years from the effective date of the final rule to install HTAWS that meets the standards of TSO–C194. The FAA believes 3 years will provide ample time for the manufacture of an adequate supply of HTAWS units and for these units to be incorporated into helicopters. In addition, a 3-year compliance period will permit certificate holders to spread out the cost of compliance over that period of time.

The FAA notes that it considered allowing certificate holders to use NVGs in lieu of HTAWS. However, the FAA has decided against such a proposal because NVGs may not be appropriate for all operations (for example, inadvertent flight into IMC), and additional time is needed to research the best use of the equipment before allowing it to be used as an alternate method of compliance. The FAA also considered requiring all commercial helicopters to be equipped with HTAWS; however, the agency believes the greatest benefit would be realized by helicopter air ambulance operators because a much greater percentage of their operations are conducted at night and in off-airway routing, and involve unimproved and unfamiliar landing areas.

The FAA seeks comments on the proposed requirement to install HTAWS, the proposed implementation date, and possible alternatives to this provision. Comments should be accompanied by appropriate supporting documentation, data, and analysis.

b. Light-Weight Aircraft Recording System (LARS)

The FAA is considering requiring certificate holders conducting helicopter air ambulance operations to install a light-weight aircraft recording system (LARS) in their helicopters. The FAA would target this proposal towards the helicopter air ambulance industry because of the number of accidents experienced by this segment of the commercial helicopter industry. As discussed earlier in this NPRM, between 1994 and 2008 helicopter air ambulances suffered a greater amount of accidents as compared with other commercial helicopters.

LARS comprises a system or combination of systems which record a helicopter's flight performance and operational data. The FAA is considering requiring the installation of LARS in order to provide critical information to investigators in the event of an accident. The FAA anticipates providing 3 years to allow sufficient time to procure and install LARS.

Flight data recording devices are not widely used in the commercial helicopter air ambulance industry. Responses to FAA Notice 8900.63, *Validation of HEMS Safety Initiatives,* issued January 12, 2009, indicated that approximately 89 percent of existing helicopter air ambulance certificate holders have not equipped with a flight data recorder (FDR) system or an "FDR-like system." The FAA believes that LARS can be used to assist accident investigations, as well as to promote operational safety, and that an equipage requirement may be warranted due to the small number of certificate holders that are using such devices.

Currently, § 135.151 requires a cockpit voice recorder (CVR) system in rotorcraft with a passenger seating configuration of six or more seats and for which two pilots are required by certification or operating rules. In addition, § 135.152 requires FDRs in

[33] NTSB/SIR–06/01, p. 11.

[34] *Id.*

[35] Flight Safety Foundation, Helicopter Emergency Medical Services (HEMS) Industry Risk Profile 43 (2009).

[36] Air Medical Physician Association, A Safety Review and Risk Assessment in Air Medical Transport 15–17 (2002).

rotorcraft with a passenger seating configuration of 10 or more seats. Most helicopters used in air ambulance operations are configured with fewer than six seats and, therefore, are not equipped with CVRs or FDRs. The FAA would require installation of LARS for all helicopter air ambulances regardless of passenger seating capacity or the number of pilots required by certification or operating rules, unless a certificate holder could demonstrate that a CVR or FDR could be used to comply with any requirements. The FAA notes that § 135.152(k) excepts certain helicopters manufactured before August 18, 1997, from the FDR requirements of § 135.152. Nevertheless, if such helicopters are used in air ambulance operations, certificate holders would be required to equip those helicopters with LARS.

The FAA notes that NTSB Safety Recommendation A–06–17 recommended requiring all transport-category rotorcraft operating under part 91 or part 135 to be equipped with CVRs and FDRs. The FAA is not proposing to require traditional CVRs or FDRs in helicopter air ambulances, as required for other aircraft because of the cost and the weight of such equipment. CVR and FDR installation is a complex process that includes invasive access and modifications to install necessary sensors and wiring. The costs of a supplemental type certificate (STC) and the CVR and the FDR equipment could prove to be prohibitive for this application. In addition, helicopter air ambulances tend to be smaller than aircraft for which CVRs and FDRs are required, and available space and weight allotted for personnel and medical equipment are at a premium. An FAA review of Operations Safety System (OPSS) data showed that more than 70 percent of the helicopters listed on helicopter air ambulance operators' certificates weigh less than 6,000 pounds. A combination CVR and FDR is estimated to weigh up to 10 pounds compared with LARS that may weigh less than 1 pound to 5 pounds. Therefore, the FAA believes the weight of a CVR and an FDR would have a greater adverse impact on a helicopter air ambulance operator's ability to provide medical care to a patient and on the performance characteristics of a smaller helicopter than LARS.

LARS would be required to capture data according to a broadly defined set of parameters including information pertaining to the aircraft's state (such as heading, altitude, and attitude), condition (such as rotors, transmission, engine parameters, and flight controls), and system performance (such as full authority digital engine control, and electronic flight instrumentation system). The FAA is considering requiring operation of a helicopter's LARS from the application of electrical power before take-off until the removal of electrical power after termination of flight. LARS would have to receive electrical power from the helicopter's bus that provides the maximum reliability for operation without jeopardizing service to essential or emergency loads.

Requiring these devices to capture a comprehensive set of parameters, such as those in place for FDRs, *see* 14 CFR 135.152, would significantly increase the cost of these units. The FAA estimates that LARS cost $6,450, plus installation and software to obtain data from the unit. The FAA believes that this requirement could be broadly and quickly implemented by the helicopter air ambulance industry in part because of the relatively low cost of these devices.

The FAA acknowledges that LARS does not have the same crash survivability as CVRs and FDRs which are required by regulation to meet a crashworthiness standard. Nevertheless, the FAA believes that LARS will yield beneficial data when used in helicopter air ambulances. Helicopter accidents usually involve forces much less severe than airplane accidents, as the flight envelope is usually much smaller. For example, helicopter accidents seldom involve impact airspeed in excess of 150 knots. Accidents which occur in hover operations typically involve speed less than 10 knots. Likewise, altitude ranges and vertical speeds are normally substantially less than the potential airplane accident profiles. These facts lend credence to the concept of LARS for accident investigation purposes using devices that are not hardened to the extent required by the Technical Standard Order for Flight Data Recorders or Cockpit Voice Recorders.

In addition, the FAA's Office of Accident Investigation and Prevention (AVP) reviewed helicopter air ambulance accident photographs from the last three years and found that the rear section of the tailboom (near the tail cone, tail rotor attachment and/or tail fin) has a high physical survival rate. This section of the aircraft often experiences the lowest deceleration loads (the rest of the aircraft has crumpled or disintegrated forward of the tail, absorbing or attenuating the deceleration), and is furthest from the fuel system, and hence usually unburned. This is most likely in straight-on impact, which is usually associated with controlled flight into terrain accidents. In loss of control accidents, where the mechanics of impact may be more varied, the rear of the tailboom usually survives. AVP estimated a survival rate of the rear of the tailboom structure (without structural compromise of burn damage) to be approximately 70 percent. Therefore, the FAA believes that a LARS memory module in the rear of the tailboom would allow a high potential for survival in the event of an accident. The FAA also notes that the NTSB found that LARS "are crash-resistant and can provide significant information for investigators to determine accident causation * * *."[37]

The proposal under consideration is to require the installation of LARS to provide event data to aid investigators after an accident. Currently, because most helicopter air ambulances are not equipped with flight data recording devices, investigators must piece together information pertaining to an accident from a variety of sources. LARS could provide precise technical data regarding the flight, such as heading, altitude, and attitude that may otherwise be unavailable. The FAA asks for comments on whether LARS will provide data that is valuable in an accident investigation.

The FAA also invites comments on whether operators that are required to install LARS for accident investigation would also use those systems to improve daily operations, including whether operators would be more likely to participate in an FAA-approved Flight Operations Quality Assurance (FOQA) program if required to equip helicopters with LARS. A LARS could be used to collect digital flight data in an FAA-approved FOQA program. FOQA participants use the collected data to improve the safety of their operations, while the FAA uses the data to observe trends in operations and make system-wide safety enhancements based on those trends. In order to provide an incentive for participation in the FOQA program, the FAA protects certain voluntarily submitted FOQA data against public release and, except for criminal or deliberate actions, will not use FOQA data obtained from an operator's FOQA program in an enforcement action against that operator or its employees.[38] These protections

[37] NTSB Safety Recommendations A–09–87 through A–09–96, Sep. 24, 2009, p. 9.

[38] *See* 14 CFR 13.401(e); 14 CFR part 193; 66 FR 55042 (Oct. 31, 2001); Advisory Circular 120–82, *Flight Operational Quality Assurance* (Apr. 12, 2004); FAA Order 8000.81, *Designation of FOQA Information as Protected From Public Disclosure Under 14 CFR part 193* (Apr. 14, 2003).

are available only if the data is collected by the operator pursuant to a voluntary, FAA-approved, FOQA program.

The FAA is also considering requiring certificate holders that conduct air ambulance operations to install LARS and create a program that would use data obtained from the device to analyze and mitigate risk. Certificate holders could use the LARS data to modify their operational and maintenance procedures, provide immediate feedback to pilots in training, and highlight areas in which additional training may be needed. Certificate holders also could use the data as a training tool during flight simulator training sessions to reproduce situations that actually occurred in its operations.

Certificate holders would be required to collect flight performance and operational data that characterizes the state of the helicopter and its subsystems which the certificate holder determines is pertinent to its safety program. Each certificate holder would be required to document the procedures and tools it would use to download and analyze the data from LARS, and the procedures and criteria it would use to identify and evaluate the data from LARS to enhance safety in its operations.

The FAA would require a certificate holder to establish a method to retrieve, analyze, and evaluate data that is collected by LARS. Under this proposal, the FAA intends to provide flexibility to certificate holders with respect to how each certificate holder uses its LARS data by allowing them to establish an individualized program that is unique to its operation.

The FAA notes that this proposal would address NTSB Safety Recommendation A–09–90 that recommends requiring certificate holders to install flight data recording devices on helicopter air ambulances and to "establish a structured flight data monitoring program that reviews all available data sources to identify deviations from established norms and procedures and other potential safety issues." Because the FAA would require LARS under this scenario, the data developed by operators would not be eligible for protection under 14 CFR part 193, Protection of Voluntarily Submitted Information.

Under this proposal, the FAA anticipates that certificate holders could use FDRs installed in helicopter air ambulances to comply with the LARS requirement. If the certificate holder is required under § 135.152 to have an FDR, it would be able to choose to use either the FDR or a certified quick-access recorder (QAR) connected to the flight data acquisition unit to comply with this requirement. A QAR provides a means to access the data collected by a FDR without removing the FDR. The time and effort required to access and download data from the FDR could be prohibitive. The additional weight from a QAR installation is about 0.5 pounds. A QAR unit, STC, and support software can cost $10,000 to $15,000, compared to the cost and installation of a LARS of less than $10,000. In either case, the proposed requirement to show how this data is being used to improve the safety of flight operations would remain applicable.

The FAA considered permitting a CVR as an alternate means of complying with the proposed requirement to use LARS in an accident prevention program. However, similar to an FDR, the data recorded on a CVR may be difficult to retrieve following a flight. CVRs may be installed in hard-to-access locations inhibiting access to the unit. Further, obtaining the data may require the certificate holder to remove the CVR from the aircraft in order to transfer the data in an audible format. This process is time-consuming and labor-intensive, potentially causing the helicopter to remain out of service for a period of time. A certificate holder may require an inventory of CVRs to replace a removed CVR and immediately return the helicopter to service. Although CVRs provide excellent post-accident information, the CVR data alone does not provide adequate information for an accident prevention program. The FAA believes that these inefficiencies, combined with the limited usefulness of a CVR, could present a significant barrier to using CVR information to improve the safety of a certificate holder's operations.

Although CVRs, FDRs, and QARs have been successfully implemented in several industry accident prevention programs, as discussed, the FAA does not believe that traditional recorders provide the most efficient means to collecting flight performance and operational data for helicopter air ambulances. In light of the fact that some helicopters currently used in air ambulance operations may be equipped with CVRs or FDRs, and given the comprehensive amount of data collected by and superior crashworthiness of those devices, the FAA calls for comments regarding how certificate holders could incorporate these devices into a program to enhance the safety of helicopter air ambulance operations.

3. Pilot Requirements

a. Instrument Rating (§ 135.603)

The FAA is proposing to add § 135.603 to require a helicopter air ambulance pilot to hold a helicopter instrument rating.

Currently, § 135.243(a) and (b) require the pilot in command of a helicopter air ambulance to hold, at a minimum, a commercial pilot certificate. To obtain a commercial pilot certificate with a helicopter rating, § 61.129(c) requires that a pilot complete 10 hours of instrument training. However, helicopter air ambulance pilots are not required to hold instrument ratings unless they will be performing IFR or VFR over-the-top operations. In addition to other requirements, § 61.65 requires a pilot to complete 50 hours of cross-country flight time as pilot in command and 40 hours of actual or simulated instrument time to obtain an instrument rating.

As discussed previously, the FAA found that inadvertent flight into IMC is a common factor in helicopter air ambulance accidents. In general, many accidents result when pilots who lack the necessary skills or equipment to fly in marginal VMC or IMC attempt flight without outside references. This proposal is intended to ensure that helicopter air ambulance pilots are equipped to handle these situations and extract themselves from these dangerous situations. A pilot who receives the more extensive training on navigating a helicopter solely by reference to instruments provided by obtaining an instrument rating is better able to maintain situational awareness and maneuver the helicopter into a safe environment than a pilot without an instrument rating.

The FAA is not proposing that a helicopter air ambulance pilot maintain instrument currency. This proposal is targeted to VFR operators because operators conducting IFR operations already must maintain instrument currency. The FAA has chosen this approach because, for VFR operators, this capability may require fewer resources than required to meet full currency requirements while maintaining adequate safety standards. Under this proposal, pilots would be required to demonstrate the ability to recover from inadvertent IMC during their annual competency checks.[39] The FAA believes that pilots who learn basic instrument skills while obtaining an instrument rating, supplemented by preparation for an annual competency

[39] *See* section III.B.3. of the preamble to this NPRM.

check, will be adequately prepared to recover from an inadvertent IMC encounter.

This proposal would take effect 3 years after the effective date of the rule to allow helicopter air ambulance pilots who are not instrument-rated adequate time to pursue an instrument rating and to distribute the costs over a period of time.

b. Flight and Duty Time Limitations (§§ 135.267 and 135.271)

The FAA is proposing to amend §§ 135.267 and 135.271 to require helicopter air ambulance operations conducted with medical personnel on board to count towards a pilot's daily flight time limitations.

Currently, in certain situations, flight segments conducted without passengers but with medical personnel on board the helicopter are conducted under part 91. Specifically, part 91 segments preceding part 135 segments are considered "other commercial flying" and count towards a pilot's daily flight time limitations. Part 91 segments that follow part 135 segments do not count towards the daily flight time limitations under § 135.267 or § 135.271, although these flights count towards a flightcrew member's quarterly and yearly flight time limitations because they are commercial flights.

Helicopter air ambulance accidents have not been limited to flights conducted while patients were on board the aircraft. In fact, 35 of the 55 accidents included in the NTSB's January 2006 *Special Investigation Report on Emergency Medical Services Operations,* occurred with medical personnel but no patients were on board.[40] The FAA, therefore, is proposing to provide additional protections to medical crewmembers on flights, which under the current rules, would be conducted under part 91.

As previously discussed, the FAA is proposing to apply part 135 rules to all helicopter air ambulance flights with medical personnel on board. This would have the effect of bringing such flight segments of a helicopter air ambulance operation under the part 135 flight and duty rules. The changes proposed to §§ 135.267 and 135.271 emphasize that all flight time in helicopter air ambulance operations would be considered flight time that counts towards a pilot's daily fight time limitations.

The FAA notes that these proposed changes respond to NTSB Safety Recommendation A–06–12. In that recommendation, the NTSB recognized that part 135 and part 91 differ regarding crew rest requirements—part 135 contains flight time limitations and rest requirements while part 91 does not. The NTSB emphasized in that recommendation that the phases of flight that involve transporting medical personnel, patient drop-off, and aircraft positioning comprise the EMS mission and should not be differentiated. The NTSB concluded that the safety of EMS operations would be improved if the entire EMS flight operated under part 135 operations specifications.

Certificate holders would be required to comply with this provision by the effective date of the final rule.

B. Commercial Helicopters Operations (Including Air Ambulance Operations)

The following provisions would apply to all commercial helicopter operations, including helicopter air ambulance operations, conducted under part 135. These proposals include new operational and equipment requirements for affected certificate holders.

1. Operational Procedures

a. IFR Alternate Airport Weather Minima (§ 135.221)

The FAA is proposing to amend § 135.221 to revise the alternate airport weather minima for helicopter IFR operations. Currently, pilots conducting IFR operations must designate an alternate airport at which the weather conditions will be at or above the authorized landing minima at the estimated time of arrival.

Under the proposal, for part 97 instrument approach procedures or special instrument approach procedures, to designate an airport as an alternate, the ceiling at the alternate airport would need to be 200 feet above the minimum for the approach to be flown, and the visibility would need to be at least 1 statute mile, but never less than the minimum visibility for the approach to be flown. For airports without a part 97 instrument approach or no special instrument approach procedure, the ceiling and visibility minima would be those allowing descent from the minimum en route altitude, approach, and landing under VFR.

The FAA notes that the proposal recognizes the differences in operating characteristics between helicopters and airplanes. Helicopters fly shorter distances at slower airspeeds than most other aircraft, carry less fuel than an airplane, and generally remain in the air for shorter periods of time between landings. As a result, it is often more difficult for a helicopter to fly out of a weather system to an alternate destination. In addition, the destination airport and alternate airport are likely to be in the same air mass and thus experiencing similar weather. Therefore, requiring pilots to use increased weather minima when selecting an alternate airport would improve the likelihood of landing at the alternate airport if weather conditions in the area deteriorate while the helicopter is en route.

The FAA notes that it adapted this proposal from the current alternate airport weather requirement in § 91.169 and from the weather minima in Operations Specification H105 issued to part 135 helicopter operators conducting IFR operations. The FAA also notes that the Part 125/135 ARC recommended a similar change.

Certificate holders would be required to comply with this provision by the effective date of the final rule.

2. Equipment Requirements

a. Radio Altimeter (§ 135.160)

The FAA is proposing to add § 135.160 to require radio altimeters for all helicopters operated under part 135. Certificate holders would have 3 years from the effective date of the final rule to comply. Currently, part 135 does not require radio altimeters for any aircraft. However, under FAA Operations Specification A050, helicopter operators authorized to use night vision goggles in night operations are required to use radio altimeters.

Radio altimeters are designed to inform the pilot of the aircraft's actual height above the ground.[41] A radio altimeter can greatly improve a pilot's awareness of height above the ground (AGL) during hover, landing in unimproved landing zones (rough field landings), and landings in confined areas where a more vertical approach may be required. Additionally, radio altimeters help increase situational awareness during inadvertent flight into IMC, night operations, and flat-light, whiteout, and brownout conditions. In all of these conditions, pilots lose their reference to the horizon and to the ground.

Radio altimeters are proven technology that is relatively low-cost,

[40] NTSB, *Special Investigation Report on Emergency Medical Services Operations* (NTSB/SIR–06/01) 3 (Jan. 25, 2006).

[41] A radio altimeter sends a radio wave to the ground and determines the height of aircraft above the surface by measuring the time it takes for the radio wave to be reflected back to the receiving unit. Altitude is then displayed on the aircraft's control panel. Additionally, the pilot can select a low altitude indicator to alert him or her of a low-altitude situation.

reliable, and user-friendly. According to a January 2009 FAA survey of certificate holders authorized to conduct helicopter air ambulance operations, 89 percent of helicopter air ambulance operators have installed radio altimeters on their aircraft. The FAA estimates, based on a sampling of certificate holders, that 75 percent of helicopters used in other part 135 operations are currently equipped with radio altimeters.

The FAA believes that the following accident illustrates the type of accident that may have been prevented with the use of radio altimeters. On May 31, 2006, a Bell 206L–1 helicopter, operating under 14 CFR part 135 and originating in Juneau, AK, collided with terrain while maneuvering in reduced visibility over an ice field. The pilot encountered whiteout and flat light conditions, and fog. The pilot and two out of the six passengers received minor injuries. During the investigation, the pilot stated that he could not "discern the ground below him due to the flat light conditions." The NTSB cited "the pilot's failure to maintain adequate altitude/clearance from terrain while maneuvering in adverse weather conditions" as the probable cause of the accident. The NTSB further noted that the helicopter was not equipped with a radio altimeter. *See* NTSB Accident Report ANC06LA066 (Feb. 26, 2007).

The proposal would respond to NTSB Safety Recommendation A–02–35, which was issued after the investigations of several accidents in which flat-light or whiteout conditions were mentioned as the probable cause. In its recommendation, the NTSB noted that radio altimeters, currently not required for helicopters, might aid pilots in recognizing proximity to the ground in flat-light and whiteout conditions.

In addition, the FAA notes that the proposal would respond to the Part 125/135 ARC's recommendation to require installation of radio altimeters in helicopter air ambulances. For the reasons discussed above, however, the FAA is proposing broader use of radio altimeters to increase safety in all part 135 rotorcraft operations.

The FAA notes that this proposed rule would require helicopter air ambulances to be equipped with both HTAWS and a radio altimeter. Additionally, other commercial helicopter operators may opt to voluntarily equip their helicopters with HTAWS. The FAA considered whether to permit devices that perform functions similar to radio altimeters, such as HTAWS, to satisfy the radio altimeter requirement. However, the FAA has determined that either an FAA-approved radio altimeter, or other device that measures an aircraft's altitude by sending a signal to the ground, should be required because of the accuracy of information obtained from those units and the method by which that information is collected. Some HTAWS are passive and derive the aircraft's ground speed, position, and altitude from a GPS and a preprogrammed algorithm database installed and maintained by the HTAWS manufacturer. Additionally, altitude indications on such systems often rely on the pilot setting the correct barometric pressure, which may change rapidly, to obtain an accurate reading. The FAA is concerned that passive systems may not provide as accurate an altitude reading for pilots experiencing brownout or white-out conditions while close to the ground. A radio altimeter is an active system that provides real-time information to the pilot regarding the aircraft's height above the terrain, including elevated heliports and buildings, by sending and receiving a signal from the aircraft. Radio altimeters are also not subject to variations in barometric pressure. The FAA notes that an HTAWS that incorporates or works in conjunction with a radio altimeter function would meet the requirements of this proposal. The FAA seeks comment on the requirement to install a radio altimeter, and the safety benefits of installing both HTAWS and a radio altimeter. The FAA also seeks comments on the proposed effective date of this provision.

b. Safety Equipment for Over-Water Flights (§§ 1.1, 135.167, and 135.168)

The FAA is proposing to revise the definition of extended over-water operation in § 1.1 as it applies to helicopters. The FAA also is proposing to amend § 135.167 to exclude rotorcraft and add § 135.168 prescribing graduated emergency equipment requirements for rotorcraft based on the distance the rotorcraft is operating from the shoreline. Certificate holders would have 3 years from the effective date of the final rule to comply with proposed § 135.168.

Currently, under § 91.205(b)(12) and § 135.183, a passenger-carrying helicopter operating over water at an altitude that would not permit it to reach land in the event of engine failure must be equipped with approved flotation gear for each passenger and, unless it is a multiengine helicopter that meets certain performance requirements, helicopter floatation devices. Additionally, a helicopter engaged in extended over-water operations (currently defined as more than 50 NM from the nearest shoreline or offshore heliport structure) is required to carry the equipment listed in § 135.167.

Under proposed § 1.1, the reference to offshore heliport structures would be removed from the definition of "extended over-water operation" for helicopters. As a result, any operation conducted more than 50 NM from the nearest shoreline would be an extended over-water operation, regardless of proximity to offshore heliport structures. The FAA recognizes that the current rule permits helicopters to travel long distances from shore without carrying safety equipment other than floatation devices and life preservers, as long as they remain within 50 miles of an offshore heliport. In the Gulf of Mexico, for example, some offshore oil platforms are located 150 NM from the shoreline. The FAA is concerned that offshore heliports may not provide the same search and rescue capabilities as are available on shore, such as Coast Guard patrols and a greater number of vessels in the vicinity. Accordingly, the FAA believes that this change would increase safety by eliminating the ability to hopscotch from heliport to heliport at great distances from shore without carrying water survival safety equipment.

Under proposed rule § 135.168, a helicopter operating over water beyond autorotational distance from the shoreline but within 50 NM of the shoreline would be required to carry, among other equipment—life preservers; a 406 megahertz (MHz) emergency locator transmitter that meets the requirements of TSO–C126a, *406 MHz Emergency Locator Transmitter (ELT),* a pyrotechnic signaling device; and electronically deployable or externally mounted life rafts. For extended over-water operations, a helicopter would need to be equipped with the equipment required for over water operations, as well as additional survival equipment prescribed in proposed § 135.168.

The FAA is proposing to require a 406 MHz ELT for several reasons. As indicated in previous rulemakings, the 406 MHz ELT provides an enhancement and more life-saving benefits, especially for over-water operations, than the 121.5/243 MHz ELT. *See* 65 FR 81316 (Dec. 22, 2000); 59 FR 32050 (Jun. 21, 1994). These benefits include a narrower search area, a stronger signal resulting in less interference, and the ability to code the transmitter with the owner's or aircraft's identification. Further, as of February 1, 2009, the international search-and-rescue satellite system, known as COSPAS–SARSAT, ceased monitoring 121.5 MHz ELTs in

response to guidance from the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO). These organizations mandate safety requirements for aircraft and maritime vessels and have recognized the limitations of the 121.5 MHz beacons and the superior capabilities of the 406 MHz alerting system.

Among the equipment that would be required under proposed § 135.168 for operations conducted beyond autorotational distance from shore are electronically deployable or externally mounted life rafts. The FAA believes that life rafts, in addition to life preservers, are necessary safety equipment in the event of ditching. Passengers and crewmembers who are forced to exit a helicopter in water may be subject to strong currents and waves, making it difficult to swim or float with a life preserver for long periods of time. In addition, a person in a life raft is not as affected by cold water temperatures and is more visible to rescuers than if he or she is in the water. In accidents involving over-water operations, rescue aircraft can experience difficulty locating and reaching a downed helicopter because of the strength of the currents in which a ditching occurred and inaccurate coordinates provided by the pilot experiencing the emergency. Passenger access to emergency equipment sufficient to remain afloat for the period of time it is likely to take a rescue mission to reach the site enhances survivability.

The proposed requirement for electronically deployable or externally mounted life rafts would increase the likelihood that these items would be available during an emergency. In two accidents investigated by the NTSB, helicopters sank before passengers could deploy the life rafts that were on board.

One accident cited by NTSB occurred off the coast of Texas in 2005 following an in-flight fire and eventual dual-engine power loss. When the helicopter, which was operating under part 135, hit the water, it sank so rapidly that neither of the two life rafts stored under the cabin seats were retrieved before the helicopter sank. The occupants, all of whom were wearing personal flotation devices, survived; however, some occupants suffered hypothermia during the 7½ hours that elapsed before they were rescued. The NTSB noted that, although the survivors' personal flotation devices were equipped with locator lights, the U.S. Coast Guard search and rescue crews, using night-vision goggles, reported that the lights were barely visible at night in the waters of the Gulf of Mexico. NTSB Accident Report DFW05MA230 (Apr. 28, 2009).

In another accident, which occurred in 2003, a helicopter operating under part 135 experienced engine failure over the Gulf of Mexico and ditched. The pilot and four passengers evacuated and inflated their personal flotation devices; however, the pilot and one passenger died and the other passengers were seriously injured before the rescue team arrived. The helicopter was equipped with a life raft located under the cabin seats, but it was not deployed. Surviving passengers indicated that they were not briefed about the location of the life raft. The NTSB noted "[w]ith better access to life rafts stored on board the aircraft and better signaling devices, occupants would have had a greater chance of surviving." NTSB Accident Report FTW03FA097 (Apr. 28, 2005).

The FAA notes that these proposals address NTSB Safety Recommendation A–07–87 that recommends all existing and new turbine-powered helicopters operating in the Gulf of Mexico and certificated with five or more seats be equipped with externally mounted life rafts large enough to accommodate all occupants. Additionally, they address NTSB Safety Recommendation A–07–88 that recommends all offshore helicopter operators in the Gulf of Mexico provide their flight crews with personal flotation devices equipped with a waterproof, global-positioning-system-enabled 406 megahertz personal locater beacon, as well as one other signaling device, such as a signaling mirror or strobe light.

Additionally, the Part 125/135 ARC recommended that the FAA amend its regulations to base emergency equipment requirements on the distance a helicopter operates from the shoreline. The FAA agrees with the Part 125/135 ARC's recommendation, and believes its proposed changes would result in a higher level of safety because of the enhanced safety equipment carried by helicopters operating over water.

The FAA points out that the proposed safety equipment requirements for helicopters differ from those for airplanes. This distinction is made for two reasons. First, helicopters generally operate at lower altitudes than passenger-carrying aircraft. In the Gulf of Mexico, helicopters serving oil rigs typically operate at altitudes below 10,000 feet. These lower altitudes leave little power-off glide capability. Second, airplanes are designed with certain features that enable them to float for a period of time after ditching, such as doors above the waterline, closeable outflow valves in the wings, and, in some airplanes, pressurized cabins. Helicopters do not incorporate these design features and behave less predictably when ditched. Therefore, the FAA believes that helicopter passengers should have additional protections for survival in water if they need to exit the helicopter after ditching.

3. Training—Recovery From Inadvertent Flight Into IMC (§ 135.293)

The FAA is proposing to amend § 135.293 to require helicopter pilots to demonstrate recovery from an inadvertent IMC encounter and understand procedures for aircraft handling in flat-light, whiteout, and brownout conditions.

The current regulations do not require a pilot to demonstrate safely maneuvering an aircraft back into VMC following an inadvertent flight into IMC during a § 135.293 competency check. Pilots seeking a commercial or airline transport pilot (ATP) certificate are not required to demonstrate an IMC recovery during the initial examination. A demonstration of IMC recovery is not included in the currency requirements for any pilot certificate. However, the FAA requires demonstration of Lost Procedures and Radio Navigation and Radar Services, which contain components similar to IMC recovery procedures under, the *Commercial Pilot Practical Test Standards for Rotorcraft.*[42] In AC 135–14A, the FAA also recommends that helicopter air ambulance pilots obtain training in basic instrument flying skills to assist in recovery from inadvertent flight into IMC.

Under this proposal, § 135.293 would require a pilot to demonstrate a realistic course of action that he or she might take to escape from inadvertent IMC during a competency check. The FAA understands that aircraft are configured differently and instrument approaches may not be readily available in all places where helicopters operate. Therefore, the FAA would permit flexibility in the method by which a pilot meets the demonstration requirement and expects that inspectors would approve methods appropriate to the aircraft, equipment, and facilities available.

The proposal would require that the demonstration be scenario-based and include attitude instrument flying, recovery from unusual attitudes, navigation, ATC communications, and at least one instrument approach. The check-pilot should coordinate with ATC, if available, before the execution of the scenario to inform ATC that exercises will be performed with VFR-

[42] FAA–S–8081–16A.

equipped helicopter and that radar vectors and directional turns will be requested. If the aircraft is appropriately equipped and the check is conducted at a location where an ILS is operational, the pilot should demonstrate an ILS approach. If the pilot is unable to conduct an ILS approach, he or she should demonstrate a GPS approach if the aircraft is equipped to do so and the pilot is properly trained. If neither an ILS nor GPS procedure can be performed, the pilot should perform another instrument approach. Partial panel operations, during which instrument failure or loss of instrumentation is simulated, should be considered if sufficient instruments are available from single sources.

The proposal also would require a pilot to demonstrate knowledge of the methods for avoiding the conditions described above and the proper aircraft handling on a written or oral test. To satisfy these requirements, the FAA anticipates that pilots would receive training on items such as landing zone reconnaissance, risk mitigation, maintaining situational awareness and decision-making on whether to land or choose an alternate landing site.

This provision would take effect on the effective date of the final rule.

In 2002, the NTSB issued Safety Recommendations A–02–33 and A–02–34 after investigating five commercial helicopter accidents in Alaska in which flat-light or whiteout conditions were thought to be the probable cause of the accidents. In its recommendations, the NTSB expressed concern that commercial helicopter operators who operate in such conditions are not required to be instrument-rated or to demonstrate instrument competency, and that those pilots are not provided with the training necessary to operate safely in such conditions. The NTSB therefore recommended in Safety Recommendation A–02–33 that the FAA require all helicopter pilots who conduct commercial, passenger-carrying flights in areas where flat light or whiteout conditions routinely occur to possess a helicopter-specific instrument rating and to demonstrate their instrument competency during initial and recurrent pilot testing required under 14 CFR 135.293. In addition, in Safety Recommendation A–02–34, the NTSB recommended requiring all commercial helicopter operators conducting passenger-carrying flights in areas where flat light or whiteout conditions routinely occur to include safe practices for operating in flat light or whiteout conditions in their approved training programs.

This proposed rule also would address NTSB Safety Recommendation A–09–87 that calls for development of scenario-based pilot training for helicopter air ambulance pilots that included inadvertent flight into IMC and hazards unique to helicopter air ambulance operations, and determine how frequently this training is required to ensure proficiency.

C. Miscellaneous

1. Part 91 Weather Minima (§ 91.155)

The FAA is proposing to revise § 91.155 to prescribe visibility minima for helicopters operating under part 91 in Class G airspace. Section 91.155(b)(1) currently requires helicopters operating under VFR, at 1,200 feet or less above the surface, to remain clear of clouds and operate at a speed that permits the pilot adequate opportunity to see any air traffic or obstruction in time to avoid a collision. The FAA is concerned that the current standard does not provide an adequate margin of safety for pilots who may suddenly encounter IMC because of rapidly changing weather. The FAA is also concerned that the "clear of clouds" standard, without an associated minimum visibility, may encourage "scud running" in which pilots fly at a continually decreasing altitude to remain clear of lowering clouds in an attempt to stay in VFR conditions.

Consequently, the FAA is proposing a minimum visibility standard of ½ statute mile during the day, and 1 statute mile at night, for helicopters operating under VFR at 1,200 feet or less above the surface in Class G airspace. This proposal would provide a greater margin of safety for operators because pilots would be required to maintain a fixed amount of visibility, and would be less likely to suddenly encounter IMC. In addition to the proposed visibility minima, the proposed rule would retain the current requirement to remain clear of clouds.

This provision would take effect on the effective date of the final rule.

2. Load Manifest Requirements for All Part 135 Aircraft (§ 135.63)

The FAA is proposing to revise the requirements of § 135.63 to apply to all aircraft operated under part 135 and to permit electronic transmission of manifest copies. In considering this proposal for commercial operations, the FAA determined this requirement would be beneficial for all part 135 operations. Currently, § 135.63 requires the preparation of a load manifest detailing information such as aircraft weight, center of gravity, crewmember identification, and other aircraft information before a flight involving a multiengine aircraft. The load manifest must be prepared in duplicate, and one copy must be carried on board the aircraft to its destination. Section 135.63 currently does not prescribe any specific action for the copy of the load manifest not carried on board the aircraft. However, the FAA has advised certificate holders to incorporate procedures in their operations manuals for the disposition of the duplicate copy.[43]

In the past, multiengine airplanes were the predominant means of transportation under part 135. Recently, single-engine passenger carrying aircraft have increased in size and capacity and, therefore their use in on-demand operations has increased. In 2005, the 125/135 ARC recommended that the FAA amend load manifest requirements to include all part 135 aircraft. The FAA finds that all operators carrying passengers for hire must generate a manifest, regardless of the type of aircraft operated. In the event of an emergency, the operator must be able to account for aircraft occupants and, in the case of a fatal or serious accident, contact next of kin. Additionally, the FAA believes that, in the event of an accident, load manifest information pertaining to the aircraft's weight and balance would be useful in determining whether the aircraft was loaded within the aircraft's center-of-gravity limits and maximum allowable takeoff weight. Therefore a copy of the load manifest should be available if the copy on the aircraft is destroyed.

This proposal would respond to NTSB Safety Recommendation A–99–61. That recommendation followed a 1997 accident in which a single-engine aircraft operating under part 135 and not equipped with an FDR collided with terrain, killing the pilot and all eight passengers. The NTSB determined that weight and balance may have played a role. The NTSB expressed concern that "single-engine operators may not consistently give weight and balance calculations the attention necessary to ensure safe flight," and noted that § 135.63(c) currently requires only operators of multiengine aircraft to prepare an accurate load manifest in duplicate before each take off. The NTSB therefore recommended that the FAA amend the regulation "to apply to single-engine as well as multiengine aircraft."

[43] Legal Interpretation to Stanley L. Bernstein, from Rebecca B. MacPherson, Assistant Chief Counsel for Regulations (Nov. 11, 2009), *available at http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/Interpretations/*.

In addition, the FAA is proposing to eliminate the requirement that the load manifest be prepared in duplicate for certificate holders who elect to electronically transmit the information contained in the load manifest to their operations base before take off. A certificate holder electing this option would be permitted to transmit the information by facsimile, e-mail, online form, or other electronic means and the information must be received by the certificate holder's base of operations or other approved location before take off. This would ensure that the load manifest information is available in the event that the copy carried on board the aircraft is destroyed. If a certificate holder does not elect to transmit load manifest information electronically, it would be required to prepare the load manifest in duplicate. Additionally, the proposed rule would require the pilot in command to arrange for a copy of the load manifest to be sent to the certificate holder, retained in a suitable place at the takeoff location, or retained in another location approved by the FAA.

The FAA notes that the proposed regulation would not alter the requirement that a copy of the load manifest must be carried on board the aircraft to its final destination, although that copy may be in an electronic format. In addition, the proposal would not change the required content of the load manifest.

Certificate holders would be required to comply with this provision by the effective date of the final rule.

While the FAA believes that proposed change could improve safety by enhancing pre-flight planning by pilots conducting part 135 operations, in its full Regulatory Evaluation (in the public docket for this rulemaking) the agency estimates it could impose costs of $134 million or $82 million present value. The FAA estimates that the present value benefits at 7% over 10 years would be $20 million. The FAA seeks comments, accompanied by data, on how these costs could be reduced and how benefits could be increased while maintaining an equivalent level of safety.

IV. Paperwork Reduction Act

This proposal contains the following new information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted the information requirements associated with this proposal to the Office of Management and Budget for its review.

Use: The information collection would enable helicopter air ambulance operators to verify that risk analyses are being performed and that safety procedures and training requirements are being followed. In the event of an accident, the FAA and other entities could examine these records.

Number of Respondents: 17,237.

Estimate of Annual Burdens: The following proposals would result in recordkeeping burdens.

(1) Require certificate holders performing helicopter air ambulance operators to implement pre-flight risk-analysis programs (§ 135.615): This proposal would require that certificate holders outline procedures for conducting pre-flight risk-analysis programs in their operations manuals.

The following estimate corresponds to section A.1.d. of the economic evaluation.

Cost to Helicopter Air Ambulance Operators To Develop a Pre-Flight Risk Analysis Program

Air ambulance operators = 73
Time needed to develop risk analysis program = 60 hours
Salary of helicopter pilot = $48 per hour

First-Year Cost

Cost: $73 \times 60 \times \$48 = \$210,240$
Time: $73 \times 60 = 4,380$ hours

Subsequent Years: Per-Year Costs

Cost: $0
Time: 0 hours

Total Over 10 Years

Cost: $210,240
Time: 4,380 hours

Average per Year

Cost: $\$210,240/10 = \$21,024$
Time: 4,380 hours/10 = 438 hours

Cost for Pilots To Perform a Pre-Flight Risk Analysis Before Each Flight

Air ambulance Helicopters = 989
Operations per year per aircraft = 367
Time needed for risk analysis = 10/60 hour
Salary of helicopter pilot = $48 per hour

First-Year Cost

Cost: $989 \times 367 \times (10/60) \times \$48 = \$2,903,704$
Time: $989 \times 367 \times (10/60) = 60,494$ hours

Subsequent Years: Per-Year Costs

Cost: $989 \times 367 \times (10/60) \times \$48 = \$2,903,704$
Time: $989 \times 367 \times (10/60) = 60,494$ hours

Total Over 10 Years

Cost: $\$2,903,704 \times 10 = \$29,037,040$
Time: 60,494 hours $\times$ 10 = 604,940 hours

Average per Year

Cost: $\$29,037,040/10 = \$2,903,704$
Time: 604,940 hours/10 = 60,494 hours

(2) Require air ambulance operators with 10 or more helicopters to have an operations control center to communicate with pilots, advise pilots of weather conditions, and provide flight-following services (§ 135.617): This proposal would require certificate holders to train and test operations control specialists and retain records on those employees.

The following estimate corresponds to section A.1.b. of the economic evaluation.

Cost of Maintaining Records for the Operations Control Specialists' Training and Examinations

Operations control specialists = 288
Time needed for a clerical person to maintain records of the training and examinations = 5/60 hour
Salary of clerical person = $26 per hour

First-Year Cost

Cost: $288 \times (5/60) \times \$26 = \$624$
Time: $288 \times (5/60) = 24$ hours

Subsequent Years: Per-Year Costs

Cost: $288 \times (5/60) \times \$26 = \$624$
Time: $288 \times (5/60) = 24$ hours

Total Over 10 Years

Cost: $\$624 \times 10 = \$6,240$
Time: 24 hours $\times$ 10 = 240 hours

Average per Year

Cost: $\$6,240/10 = \$624$
Time: 240 hours/10 = 24 hours

(3) Require additional VFR flight planning (§ 135.613): This proposal would require helicopter air ambulance pilots to perform pre-flight planning. Certificate holders would need to outline procedures for pre-flight planning in their operations manuals.

The following estimate corresponds to section A.1.c. of the economic evaluation.

Cost To Helicopter Air Ambulance Operators To Establish Procedures To Evaluate, Analyze, and Use Additional VFR Flight Planning in Their Operations Manuals

Air ambulance helicopters = 989
Operations per year per aircraft = 367
Time needed for the flight planning = 5/60 hour
Salary of helicopter pilot = $48 per hour

First-Year Cost

Cost: $989 \times 367 \times (5/60) \times \$48 = \$1,451,852$
Time: $989 \times 367 \times (5/60) = 30,247$ hours

Subsequent Years: Per-Year Costs

Cost: 989 × 367 × (5/60) × $48 = $1,451,852
Time: 989 × 367 × (5/60) = 30,247 hours

Total Over 10 Years

Cost: $1,451,852 × 10 = $14,518,520
Time: 30,247 hours × 10 = 302,470 hours

Average per Year

Cost: $14,518,520/10 = $1,451,852
Time: 302,470 hours/10 = 30,247 hours

(4) Light-weight aircraft recording system (LARS) on helicopter air ambulances: The FAA is seeking comment on whether to require that certificate holders install LARS on their helicopter air ambulances and outline procedures for evaluating and using LARS data in their operations manuals.

The following estimate corresponds to section A.2.b. of the economic evaluation.

One-Time Cost to Helicopter Air Ambulance Operators To Install LARS

Helicopter air ambulances = 989
Unit cost to equip with LARS = $6,450

First-Year Cost

Cost: 989/3 × $6,450 = $2,126,350

Subsequent 2 Years: Per-Year Costs

Cost: 989/3 × $6,450 = $2,126,350

Total Over 10 years

Cost: $2,126,250 × 3 = $6,379,050

Average per Year

Cost: $6,349,050/10 = $637,905

Cost for LARS Software

Helicopter air ambulances = 989
Cost for LARS software = $750

First-Year Cost

Cost: 989/3 × $750 = $247,250

Second-Year Cost

Cost: 989 × (⅔) × $750 = $494,500

Subsequent Years: Per-Year Costs

Cost: 989 × $750 = $741,750

Total Over 10 Years

Cost: $247,250 + $494,500 + $741,750 × 8 = $6,675,750

Average per Year

Cost: $6,675,750/10 = $667,575

Cost to Helicopter Air Ambulance Operators To Establish Procedures To Evaluate, Analyze, and Use LARS Data in Their Operations Manuals

Air ambulance operators = 73
Time needed for chief pilot = 2 hours
Time needed for a clerical person = 6 hours
Salary of chief pilot = $53 per hour
Salary of clerical person = $26 per hour

First-Year Cost

Cost: [73 × 2 × $53] + [73 × 6 × $26] = $19,126
Time: [73 × 2] + [73 × 6] = 584 hours

Subsequent Years: Per-Year Costs

Cost: $0
Time: 0 hours

Total Over 10 Years

Cost: $19,126
Time: 584 hours

Average per Year

Cost: $19,126/10 = $1,913
Time: 584 hours/10 = 58.4 hours

(5) Require that medical personnel on board helicopter air ambulance flights either receive a supplemental safety briefing or safety training in lieu of a pre-flight briefing (§ 135.619): Certificate holders choosing the option to provide safety training would be required to retain training records on those employees.

The following estimate corresponds to section A.1.e. of the economic evaluation.

Cost to Certificate Holder for Documenting the Training Provided to Medical Personnel

Medical personnel = 10,965
Time needed for a clerical person to document the training = 5/60 hour
Salary of Clerical Person = $26 per hour

First-Year Cost

Cost: 10,965 × (5/60) × $26 = $23,758
Time: 10,965 × (5/60) = 914 hours

Subsequent Years: Per-Year Costs

Cost: 10,965 × (5/60) × $26 = $23,758
Time: 10,965 × (5/60) = 914 hours

Total Over 10 Years

Cost: $23,758 × 10 = $237,580
Time: 914 hours × 10 = 9,140 hours

Average per year.

Cost: $237,580/10 = $23,758
Time: 9,140 hours/10 = 914 hours

(6) Require preparation of a load manifest by operators of all aircraft (not limited to multiengine aircraft) operated under part 135 (§ 135.63): This would amend existing OMB Control Number 2120–0039 by expanding the applicability from multiengine aircraft to all aircraft. The following, therefore, addresses single-engine aircraft only.

The following estimate corresponds to section C.2. of the economic evaluation.

Air ambulance aircraft (single-engine) = 108
Commercial aircraft (single-engine) = 3,752
Average number of takeoffs daily = 3
Technical time per takeoff = 5/60 hour
Salary of single-engine pilot = $38 per hour

First-Year Cost

Cost = [(108) × (3) × (365) × (5/60) × ($38)] + [(3,752) × (3) × (365) × (5/60) × ($38)] = $13,384,550
Time = [(108) × (3) × (365) × (5/60)] + [(3,752) × (3) × (365) × (5/60)] = 352,225 hours

Subsequent Years: Per-Year Costs

Cost = [(108) × (3) × (365) × (5/60) × ($38)] + [(3,752) × (3) × (365) × (5/60) × ($38)] = $13,384,550
Time = [(108) × (3) × (365) × (5/60)] + [(3,752) × (3) × (365) × (5/60)] = 352,225 hours

Total Over 10 Years

Cost = $13,384,550 × 10 = $133,845,500
Time = 352,225 hours × 10 = 3,522,250 hours

Average Per Year

Cost = $133,845,500/10 = $13,384,550
Time = 3,522,250 hours/10 = 352,225 hours

(7) Require that operations control specialists would be subject to certificate holders' drug and alcohol testing programs (§§ 120.105 and 120.215): The FAA believes that, because certificate holders currently administer and maintain records for drug and alcohol testing for other employees (approved under OMB Control Number 2120–0535), the cost for a clerical person to maintain these records would be negligible.

Summary of all Burden Hours and Costs:

	Section	Burden Hours	Cost	Number of years	Total Burden Hours	Total Cost
1. Operations Control Specialists' Training	135.617	24.0	$624	10	240	$6,240
2. VFR Flight Planning	135.613	30,247	$1,451,852	10	302,470	$14,518,520
3. Developing Pre-flight Risk Analysis	135.615	4,380	$210,240	1	4,380	$210,240
4. Performing Risk Analysis	135.615	60,494	$2,903,704	10	604,940	$29,037,040
5. Establish LARS Procedures		584	$19,126	1	584	$19,126
6. LARS Equipment		0	$2,126,350	3	0	$6,379,050
7. LARS Software		0	$667,575	10	0	$6,675,750
8. Training to Medical Personnel	135.619	914	$23,758	10	9,140	$237,580
9. Load Manifest	135.63	352,225	$13,384,550	10	3,522,250	$133,845,500
				GRAND TOTALS	4,444,004	$190,929,046
				Average per year	444,400	$19,092,905

The agency is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collecting information on those who are to respond, including by using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Individuals and organizations may send comments on the information collection requirement by January 10, 2011, and should direct them to the address listed in the **ADDRESSES** section at the beginning of this preamble. Comments also should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, *Attention:* Desk Officer for FAA, New Executive Building, Room 10202, 725 17th Street, NW., Washington, DC 20053.

According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid OMB control number. The OMB control number for this information collection will be published in the **Federal Register,** after the Office of Management and Budget approves it.

V. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these proposed regulations.

VI. Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Assessment, and Unfunded Mandates Assessment

Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule. Readers seeking greater detail should read the full regulatory evaluation, a copy of which is in the docket for this rulemaking.

In conducting these analyses, FAA has determined that this proposed rule: (1) Has benefits that justify its costs; (2) is not an economically "significant regulatory action" as defined in section 3(f) of Executive Order 12866; (3) would be otherwise "significant" as defined in Executive Order 12866 and DOT's Regulatory Policies and Procedures; (4) would have a significant economic impact on a substantial number of small entities; (5) would not create unnecessary obstacles to the foreign commerce of the United States; and (6) would not impose an unfunded mandate on state, local, tribal governments, or on the private sector by exceeding the threshold identified above. These analyses are summarized below.

The estimated mean benefit value for the air ambulance provisions is $270 million or $160 million present value over the next 10 years. The estimated mean benefit value for the commercial provisions is $193 million or $115 million present value over the next 10 years. The FAA estimates the cost of this proposed rule for the air ambulance provisions would be approximately $210 million ($136 million, present value) over the next 10 years. The

estimated cost of the proposed rule for the commercial provisions would be approximately $145 million ($89 million, present value) over the next 10 years.

As noted in the full regulatory evaluation, the FAA is unable to estimate the costs of provisions A.1.a, A.3.b, and B.2.a. The FAA calls for comments from affected entities requesting that all comments be accompanied by clear and detailed supporting economic documentation.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation." To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions. The FAA invites public comment on its RFA analysis, as detailed below, particularly with respect to the number of small entities impacted, the costs for small entities, and alternatives to the proposed rule that would meeting the agency's statutory objectives in a less burdensome manner.

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

This proposed rule would impact air ambulance, air tour, and on demand operators. The U.S. Small Business Administration (SBA) classifies businesses as small based on size standards, typically expressed in terms of annual revenue or number of employees. SBA publishes a table of small business size standards matched to North American Industry Classification System (NAICS) codes. Table 1 shows the size standards for the entities that would be affected by this rule.

Table 1. SBA Size Standards

NAICS Codes	NAICS U.S. Industry Title	Affected Entity	Annual Revenue or Employee Threshold for Small Business
481219	Other nonscheduled air transportation	Air ambulance operators	<$7 million
487990	Scenic and sightseeing transportation, other	Air tour operators	<$7 million
481211	Nonscheduled chartered passenger air transportation	On demand operators	<1,500 employees

Because the FAA did not have actual annual revenues for air ambulance operators, the agency estimated them using helicopter counts as a revenue driver. The FAA assumed an average of 367 operations per year for each helicopter and a revenue charge of $7,000 per operation. As such, the FAA estimated that 28 small air ambulance operators (with estimated revenues lower than $7 million) out of the 73 air ambulance operators would be affected by this proposed regulation. Their annualized cost per operation [44] ranges between $123 and $131. Their ratio of annualized cost to annual revenue ranges between 1.76% and 1.88%, which is significant.[45] This proposal would impact approximately 18 not-for-profit air ambulance operators. Accordingly, the FAA prepared a regulatory flexibility analysis for small air ambulance operators, as described in the next section.

For air tour operators, the FAA assumed an average of 747 operations per year for each helicopter and a revenue charge of $1,700 per operation. As such, the FAA identified 31 small air tour operators (with estimated revenues lower than $7 million) out of the 43 air tour operators that would be affected by this regulation. Their annualized cost per operation ranges between $10 and $24. Their ratio of annualized cost to annual revenue ranges between 0.58% and 1.42%, which may be significant. Accordingly, the FAA prepared a regulatory flexibility analysis for small air tour operators, as described in the next section.

The FAA identified 379 small on demand operators (with 1,500 or fewer employees) out of the 380 on demand operators that would be affected by this proposed regulation. Although their annualized compliance costs ranges between $6,752 and $642,020, the agency is unable to estimate their annual revenues because average revenue per operation for these entities is not meaningful. There are a number of factors (e.g., length of flight, type of helicopter) that determine the revenue for an individual operation. These factors are not likely to result in a distribution around a meaningful average revenue. The FAA seeks comment on the impact to on demand operators as a result of this proposal.

Regulatory Flexibility Analysis

Under section 603(b) of the RFA (as amended), each regulatory flexibility analysis is required to address the following points: (1) Reasons the agency considered the proposed rule, (2) the objectives and legal basis for the proposed rule, (3) the kind and number of small entities to which the proposed rule would apply, (4) the reporting, recordkeeping, and other compliance requirements of the proposed rule, (5) all Federal rules that may duplicate, overlap, or conflict with the proposed rule, and (6) alternatives to the proposed rule.

Reasons the FAA Considered the Rule

See section II. Background.

The Objectives and Legal Basis for the Rule

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(4), which requires the Administrator to promulgate regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security. As discussed throughout this document, the proposal aims to improve safety for air ambulance operations and other commercial helicopter operations.

[44] Annualized cost per operation equals total annualized costs divided by number of helicopter air ambulance operations per year. Total annualized cost equals present value cost over 10 years times capital recovery factor.

[45] This is a lower bound estimate because the FAA was unable to estimate the costs of several requirements.

The Kind and Number of Small Entities to Which the Proposed Rule Would Apply

Based on a review of part 135 certificates and operations specifications, the FAA estimates 28 small air ambulance operators and 31 air tour operators that the proposed rule would impact. The agency estimates that these operators have annual revenues between $1.3 million to $6.3 million.[46]

Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule

Reporting, recordkeeping, and other compliance requirements are outlined in section IV. Paperwork Reduction Act. The FAA seeks comment on whether reporting, recordkeeping, and compliance costs vary from small to large entities.

All Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rule

The FAA is unaware of any Federal rules that duplicate, overlap, or conflict with the proposed rule.

Other Considerations

Affordability Analysis

For the purpose of this analysis, the degree to which small entities can afford the cost of the proposed rule is predicated on the availability of financial resources. Costs can be paid from existing assets such as cash, by borrowing, through the provision of additional equity capital, by accepting reduced profits, by raising prices, or by finding other ways of offsetting costs.

One means of assessing the affordability is the ability of each of the small entities to meet its short-term obligations, such as looking at net income, working capital and financial strength ratios. According to financial literature, a company's short-run financial strength is substantially influenced by its working capital position and its ability to pay short-term liabilities, among other things. However, the FAA was unable to find this type of financial information for the affected entities, and so used an alternative way of analyzing affordability. The approach used by the FAA was to compare estimated revenues with the annualized compliance costs.

Small air ambulance operators and air tour operators may have trouble absorbing the costs of complying with the proposed rule if their annualized costs exceed 5 percent of their estimated revenues. The idea is that if a business has such a high cost, percentage-wise, it would likely have trouble absorbing the costs of complying with the proposed rule. The average ratio of annualized cost to estimated annual revenue for small air ambulance operators and air tour operators ranges between 0.58% and 1.88%. Thus, the FAA expects that small air ambulances and air tour operators would not have trouble absorbing the costs of complying with this rule.

Related to this analysis, the FAA seeks comment on whether the economic impact on small entities is significant.

Competitiveness Analysis

For small air ambulance and air tour operators, the ratio of annualized cost to estimated annual revenue ranges between 0.58% and 1.88%. For large air ambulance and air tour operators, it ranges between 0.62% and 2.4%. The FAA expects that based on these results, there would be little change in the competitiveness of small air ambulance and air tour operators relative to large operators.

Alternatives

Alternative One—The current proposal would give certificate holders three years from the effective date to install all required pieces of equipment. This alternative would change the compliance date to four years after the effective rule date. This would help small business owners cope with the burden of the expenses because they would be able to integrate these pieces of equipment over a longer period of time.

Conclusion—This alternative is not preferred because it would delay safety enhancements. Thus, the FAA does not consider this to be an acceptable alternative in accordance with 5 U.S.C. 603(c).

Alternative Two—This alternative would exclude the HTAWS unit from the rulemaking proposal. Although this alternative would reduce annualized costs to small air ambulance operators by approximately 12% and the ratio of annualized cost to annual revenue would decrease from a range of between 1.76% and 1.88% to a range of between 1.55% and 1.65%, the annualized cost of the proposed rule would still be significant for all 35 small air ambulance operators. Since all 35 small air ambulance operators would still be significantly impacted by this alternative, the alternative not only does not eliminate the problem for a substantial number of small entities, but also it would reduce safety.

Conclusion—The HTAWS is an outstanding tool for situational awareness and to help helicopter air ambulance pilots during nighttime operations. This equipment is a great enhancement for situational awareness in all aspects of flying including day, night, and instrument meteorological conditions. Therefore the FAA believes that this equipment is a significant enhancement for safety throughout all aspects of helicopter operations. The accident data shows that the HTAWS provision could have prevented many air ambulance accidents if this equipage was available at the time of the accident. Thus the FAA does not consider this to be an acceptable alternative in accordance with 5 U.S.C. 603(c).

Alternative Three—The alternative would increase the requirement of certificate holders from 10 to 15 helicopters or more that are engaged in helicopter air ambulance operations to have an Operations Control Center.

Conclusion—The FAA believes that operators with 10 or more helicopters engaged in air ambulance operations would cover 66% of the total population of the air ambulance fleet in the U.S. The FAA believes that operators with 15 or more helicopters would decrease the coverage of the population to 50%. Furthermore, complexity issues arise and considerably increase with operators of more than 10 helicopters. Thus the FAA does not consider this to be an acceptable alternative in accordance with 5 U.S.C. 603(c).

The FAA invites public comment on the conclusions reached with regard to the alternatives outlined above.

Conclusion

The FAA has determined that this proposed rule would have a significant impact on a substantial number of small helicopter air ambulance and air tour operators. Because the agency is unable to estimate annual revenues for on-demand operators, the FAA cannot determine whether the proposed rule would have a significant impact on a substantial number of on-demand operators. The FAA believes that small helicopter air ambulance and air tour operators would be able to afford the proposed rule and would remain competitive. While small entities would likely be able to afford the proposal, the FAA seeks comment on whether small entities will be able to remain competitive under the proposal.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the

[46] Aviation Week, World Aerospace Database, Winter, 2009.

Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this proposed rule and determined that it would have only a domestic impact and therefore will not create unnecessary obstacles to the foreign commerce of the United States.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of $136.1 million in lieu of $100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

VII. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

VIII. Regulations Affecting Intrastate Aviation in Alaska

Section 1205 of the FAA Reauthorization Act of 1996 (110 Stat. 3213) requires the Administrator, when modifying regulations in title 14 of the CFR in a manner affecting intrastate aviation in Alaska, to consider the extent to which Alaska is not served by transportation modes other than aviation, and to establish appropriate regulatory distinctions. Because this proposed rule would apply to helicopter air ambulance, commercial helicopter, and general aviation operations, the FAA specifically requests comments on whether there is justification for applying the proposed rule differently in intrastate operations in Alaska.

IX. Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this proposed rulemaking action qualifies for the categorical exclusion identified in paragraph 312f. Additionally, the FAA reviewed paragraph 304 of Order 1050.1E and determined that this rulemaking involves no extraordinary circumstances.

X. Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this NPRM under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a "significant regulatory action" under Executive Order 13211 because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The NPRM is, however, "significant" under DOT's Regulatory Policies and Procedures.

XI. Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using 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.*

You can also get a copy 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. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

You may access all documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, from the Internet through the Federal eRulemaking Portal referenced in paragraph (1).

XI. Additional Information

Comments Invited

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

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

Proprietary or Confidential Business Information

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD ROM, mark the outside of the disk or CD ROM and also identify electronically within the disk or CD ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), when we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and we place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). We process such a request under the DOT procedures found in 49 CFR part 7.

Appendix to the Preamble—Additional Accidents Discussions

The following is a list of accidents (listed with reference to the associated preamble discussions) illustrative of the type that the FAA believes this proposal may have prevented.

A. Helicopter Air Ambulance Operations

1. Operational Procedures

b. Operational Control Center

On July 13, 2004, a Bell 407 helicopter, operating under 14 CFR part 135, collided with trees resulting in fatal injuries to the pilot, medical personnel and patient on board. The pilot performed a weather check before accepting the flight and was provided flight monitoring by the Spartanburg County Communications 911 Department of the Spartanburg County Office of Emergency Services. The flight was conducted in night visual, meteorological conditions were present, with mist and light fog prevailing in the area of the accident site. The accident pilot was not informed that other pilots had declined this mission due to fog. The NTSB cited the pilot's failure to maintain terrain clearance as the cause of the accident, and contributing factors included "inadequate weather and dispatch information relayed to the pilot." *See* NTSB Accident Report CHI04MA182 (Jan. 26, 2006).

d. Preflight Risk Analysis

On August 21, 2004, a Bell 407 helicopter, operating under 14 CFR part 135 and en route to Washoe Medical Center in Reno, Nevada, collided with mountainous terrain resulting in fatal injuries to the pilot, two medical personnel, the patient's mother, and the infant patient. The pilot had a choice of two routes, and he chose the direct route over mountainous terrain instead of the route following the I–80 which was 10 minutes longer. The pilot chose the route through mountainous terrain. The NTSB noted that there was no indication that the pilot obtained a weather briefing before departure and that if he had "he would have likely learned of the cloud cover and light precipitation present along his planned route of flight." The NTSB cited the pilot's lack of maintaining sufficient clearance of mountainous terrain as the cause of this accident, and other contributing factors such as the pilot's improper decision to take the direct route over mountainous terrain in dark night conditions. *See* NTSB Accident Report SEA04MA167 (Jan. 26, 2006).

On November 29, 1998, a McDonnell Douglas MD–900 helicopter, en route to St. Alphonsus hospital heliport in Boise, ID, and operating under 14 CFR part 135, struck unmarked transmission wires when departing from a car accident site resulting in major damage to four of the five main rotor blades. No injuries were sustained by the flight crew, medical personnel, or patient on board. The NTSB cited the pilot and ground crew's failure to identify the existence of the wires as factors contributing to this accident. The FAA believes that a pre-flight review of the proposed landing site may have prevented this accident. *See* NTSB Accident Report SEA99LA016 (Jan. 11, 2000).

On November 19, 1993, a Bell 206L helicopter, operating under part 135 rules landed hard in the Atlantic Ocean resulting in fatal injuries to all three passengers and serious injuries to the pilot during nighttime conditions. The pilot, operating at night under VFR, encountered inadvertent IMC and crashed. The NTSB determined the cause of the accident was the pilot's continued VFR flight into IMC, and contributing factors included weather, dark night, and rough sea conditions. *See* NTSB Accident Report BFO94FA013 (Nov. 1, 1994).

2. Equipment Requirements

a. Helicopter Terrain Awareness and Warning Systems

On December 12, 1996, a Messerschmitt-Bolkow-Blohn BO–105CBS helicopter, operating under part 135, collided with terrain at night in instrument conditions while transporting a patient to a hospital in Rochester, NY. Witnesses observed that cloud cover and the isolated area made for a dark night with no discernable horizon. About two minutes after the pilot's departure for the hospital, the helicopter collided with terrain resulting in fatal injuries to all on board. The NTSB stated the cause for this accident was "the pilot's failure to maintain altitude/clearance from the terrain," and other factors relating to the accident included "darkness, low ceiling, rising terrain, and high wind condition." *See* NTSB Accident Report IAD97FA032 (Jul. 31, 2008).

b. Light-Weight Aircraft Recording System (LARS)

On June 29, 2008, two Bell 407 helicopters collided in midair while approaching the Flagstaff Medical Center helipad. Both helicopters were destroyed, and all seven persons aboard the two aircraft were fatally injured. Day VMC prevailed. The NTSB determined that the probable cause of this accident was both helicopter pilots' failure to see and avoid the other helicopter on approach to the helipad. Contributing to the accident were the failure of the pilot of one of the helicopters to follow arrival and noise abatement guidelines and the failure of the pilot of the other helicopter to follow communications guidelines. The NTSB noted that "had either operator established a formal flight-monitoring program, the use of non-standard procedures might have led the operators to take corrective action that could have prevented the two helicopters from arriving at the same helipad on different approach angles that particular day." *See* NTSB Accident Report DEN08MA116A/B (May 7, 2009).

On May 27, 1993, an Aerospatiale AS 350B helicopter, operating under 14 CFR part 135, crashed into terrain near Cameron, MO, resulting in fatal injuries to the pilot and patient and serious injuries to medical personnel. The NTSB found that the accident was a result of loss of engine power due to the failure of the second state turbine labyrinth seal. In its factual report, the NTSB noted that aircraft manufacturer representatives described that a crack could develop under thermal low cycle fatigue, then develop as "'subsequent distortion leads to rub between the inner diameter of the hub and the inner turbine labyrinth lips.'" An appropriately equipped LARS could capture audio files for acoustic analysis of dynamic components in the event of an accident or incident. Such mechanical failures could be detectable by LARS equipped to record ambient audio files. See NTSB Accident Report CHI93FA182 (Jun. 24, 1994).

B. Commercial Helicopter Operations (Including Air Ambulance Operations)

2. Equipment Requirements

a. Radar Altimeter

On July 23, 2003, a Bell 206B helicopter, operating under 14 CFR part 135, crashed into the inside wall of the Waialeale Crater, Kauai, HI, fatally injuring the pilot and all four passengers. This sightseeing tour originated at the Lihue Airport in Kauai under VFR conditions. During the flight, the pilot encountered clouds and a low ceiling. The pilot descended into the mountain side. The NTSB determined the probable cause of this accident was the pilot's failure to maintain "adequate terrain clearance/altitude while descending over mountainous terrain" and continued flight into adverse weather. The contributing factors were clouds and a low ceiling. *See* NTSB

Accident Report LAX03FA241 (Sept. 14, 2007).

On January 10, 2005, a Eurocopter Deutschland GmbH EC–135 P2 helicopter, operating under part 91, crashed in the Potomac River, fatally injuring the pilot and paramedic and seriously injuring the flight nurse. During low-altitude cruise flight, the helicopter impacted water without any distress warning from the pilot. The NTSB noted the cause of this accident was "the pilot's failure to identify and arrest the helicopter's descent, which resulted in controlled flight into terrain." Other factors identified by the NTSB included the dark night conditions and a lack of an operable radio altimeter. NTSB Accident Report NYC05MA039 (Dec. 20, 2007).

3. Training—Recovery From Inadvertent Flight Into IMC

On September 20, 1995, a Bell 206L helicopter, operating under 14 CFR part 91, was substantially damaged after the pilot inadvertently encountered IMC and lost control. The NTSB found that the pilot's failure to maintain control of the helicopter was the cause of this accident. It cited the pilot's inadvertent VFR flight into IMC conditions as a factor contributing to the accident. See NTSB Accident ID #CHI95LA327.

On December 23, 2003, an Augusta A109A helicopter, operated under part 91 en route to pick up a patient during a helicopter air ambulance operation, collided with mountainous terrain near Redwood Valley, CA, while trying to reverse course following an encounter with night IMC. The crash fatally injured all on board and destroyed the helicopter. The NTSB determined the cause of the accident was the pilot's improper in-flight planning and decision to continue flight under visual flight rules into deteriorating weather conditions which resulted in an inadvertent in-flight encounter with IMC. *See* NTSB Accident ID #LAX04FA076.

List of Subjects

14 CFR Part 1

Air transportation.

14 CFR Part 91

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 120

Airmen, Alcohol abuse, Alcoholism, Alcohol testing, Aviation safety, Drug abuse, Drug testing, Operators, Reporting and recordkeeping requirements, Safety, Safety-sensitive, Transportation.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Aviation safety, Incorporation by reference, Reporting and recordkeeping requirements.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations, as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

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

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

2. Amend § 1.1 by revising the definition of "Extended over-water operation" to read as follows:

§ 1.1 General definitions.

* * * * *

Extended over-water operation means an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

4. Amend § 91.155 by revising paragraph (b)(1) to read as follows:

§ 91.155 Basic VFR weather minimums.

* * * * *

(b) * * *

(1) *Helicopter.* A helicopter may be operated clear of clouds if operated at a speed that allows the pilot adequate opportunity to see and avoid other air traffic or obstruction in time to avoid a collision, provided the visibility is at least—

(i) One half statute mile during the day; or

(ii) One statute mile at night.

* * * * *

PART 120—DRUG AND ALCOHOL TESTING PROGRAM

5. The authority citation for part 120 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40101–40103, 40113, 40120, 41706, 41721, 44106, 44701, 44702, 44703, 44709, 44710, 44711, 45101–45105, 46105, 46306.

6. Amend § 120.105 by adding paragraph (i) to read as follows:

§ 120.105 Employees who must be tested.

* * * * *

(i) Operations control specialist duties.

7. Amend § 120.215 by adding paragraph (a)(9) to read as follows:

§ 120.215 Covered employees.

(a) * * *

(9) Operations control specialist duties.

* * * * *

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

8. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 45101–45105.

9. Amend § 135.1 by adding paragraph (a)(9) to read as follows:

§ 135.1 Applicability.

(a) * * *

(9) Helicopter air ambulance operations with medical personnel, as defined in § 135.601(b)(4), on board the aircraft.

* * * * *

10. Amend § 135.63 by revising the introductory text of paragraph (c) and revising paragraph (d) to read as follows:

§ 135.63 Recordkeeping requirements.

* * * * *

(c) Each certificate holder is responsible for the preparation and accuracy of a load manifest containing information concerning the loading of the aircraft. The manifest must be prepared in duplicate unless the certificate holder receives a copy of the load manifest, by electronic or other means, at its principal operations base or at another location used by it and approved by the FAA prior to the aircraft's take off. The load manifest must be prepared before each take off and must include:

* * * * *

(d) The pilot in command of an aircraft for which a load manifest must be prepared must carry a copy of the completed load manifest in the aircraft to its destination and, unless the certificate holder receives a copy of the load manifest prior to take off as provided for in paragraph (c) of this section, arrange at the takeoff location for a copy to be sent to the certificate

holder, retained in a suitable place at the takeoff location, or retained in another location approved by the FAA until the flight is complete. The certificate holder shall keep copies of completed load manifests for at least 30 days at its principal operations base, or at another location used by it and approved by the FAA.

11. Add § 135.160 to read as follows:

§ 135.160 Radio altimeters for rotorcraft operations.

After [*DATE 3 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE],* no person may operate a rotorcraft unless that rotorcraft is equipped with an operable FAA-approved radio altimeter, or an FAA-approved device that incorporates a radio altimeter, unless otherwise authorized in the certificate holder's approved minimum equipment list.

12. Amend § 135.167 by revising the section heading and the introductory text of paragraph (a) to read as follows:

§ 135.167 Emergency equipment: Extended over-water operations—Aircraft other than rotorcraft.

(a) Except where the FAA amends the operations specifications of the certificate holder to require the carriage of any or all specific items of the equipment listed below for any over-water operation, or allows a deviation for a particular extended over-water operation in response to an application by a certificate holder, no person may operate an aircraft other than a rotorcraft in extended over-water operations unless it carries, installed in conspicuously marked locations easily accessible to the occupants if a ditching occurs, the following equipment:

* * * * *

13. Add § 135.168 to read as follows:

§ 135.168 Emergency equipment: Over-water and extended over-water operations—Rotorcraft.

(a) For purposes of this section, the following definitions apply—

(1) *Over-water operation:* A flight beyond autorotational distance from the shoreline.

(2) *Shoreline* means that area of the land adjacent to the water of an ocean, sea, lake, pond, river, or tidal basin that is above the high-water mark at which a rotorcraft could be landed safely. This does not include land areas which are unsuitable for landing such as vertical cliffs or land intermittently under water.

(b) *Over-water operations.* After [*DATE 3 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE],* except where the FAA amends the operations specifications of the certificate holder to require the carriage of all or any specific items of the equipment listed below, allows a deviation for a particular operation, or the over-water operation is necessary only for takeoff or landing, no person may operate a rotorcraft in over-water operations unless it carries, installed in conspicuously marked locations easily accessible to the occupants in the event of an emergency water landing, the following equipment:

(1) Approved life preservers equipped with an approved survivor locator light, which must be worn by each occupant of the rotorcraft from take off until the flight is no longer over water;

(2) One approved pyrotechnic signaling device;

(3) Enough life rafts of a rated capacity and buoyancy to accommodate the maximum number of occupants the rotorcraft is certificated to carry;

(4) An approved, automatically deployable, survival-type emergency locator transmitter (ELT) in each life raft. Batteries used in ELTs must be maintained in accordance with the following —

(i) Non-rechargeable batteries must be replaced when the transmitter has been in use for more than 1 cumulative hour or when 50 percent of their useful lives have expired, as established by the transmitter manufacturer under its approval. The new expiration date for replacing the batteries must be legibly marked on the outside of the transmitter. The battery useful life requirements of this paragraph do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals; or

(ii) Rechargeable batteries used in the transmitter must be recharged when the transmitter has been in use for more than 1 cumulative hour or when 50 percent of their useful-life-of-charge has expired, as established by the transmitter manufacturer under its approval. The new expiration date for recharging the batteries must be legibly marked on the outside of the transmitter. The battery useful-life-of-charge requirements of this paragraph do not apply to batteries (such as water-activated batteries) that are essentially unaffected during probable storage intervals;

(5) Each life raft required under this paragraph must be electronically deployable, or externally mounted and accessible, and equipped with—

(i) One survival kit, appropriate for the route to be flown, or

(ii) Contain at least the following—

(A) One approved day/night signaling device;

(B) One life raft repair kit;

(C) One bailing bucket;

(D) One signaling mirror;

(E) One police whistle;

(F) One raft knife;

(G) One inflation pump;

(H) One 75-foot retaining line;

(I) One magnetic compass;

(J) One dye marker or equivalent; and

(K) One fishing kit.

(c) *Extended over-water operations.* After [*DATE 3 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE],* except where the FAA amends the operations specifications of the certificate holder to require the carriage of all or any specific items of the equipment listed below or allows a deviation for a particular operation, no person may operate a rotorcraft in extended over-water operations unless it carries, installed in conspicuously marked locations easily accessible to the occupants in the event of an emergency water landing, the following equipment:

(1) Approved life preservers equipped with an approved survivor locator light, which must be worn by each occupant of the rotorcraft during the duration of the flight

(2) The equipment listed in paragraphs (b)(2) through (b)(4) of this section;

(3) One flashlight having at least two operable size "D" cell or equivalent batteries; and

(4) Each life raft required under this paragraph must be electronically deployable or externally mounted and accessible, and equipped with or contain at least the following—

(i) The equipment listed in paragraph (b)(5) of this section;

(ii) One radar reflector;

(iii) One canopy (for sail, sunshade, or rain catcher);

(iv) Two pints of water per each person the life raft is rated to carry, or one sea water desalting kit for each two persons the life raft is rated to carry; and

(v) One book on survival appropriate for the area in which the rotorcraft is operated.

(d) *Passenger Briefing.* Passengers carried in over-water or extended over-water operations must be briefed on the following:

(1) Procedures for fastening and unfastening seatbelts;

(2) Procedures for opening exits and exiting the rotorcraft;

(3) Procedures for water ditching;

(4) Requirements for the use of life preservers;

(5) Procedures for emergency exit from the rotorcraft in the event of a water landing; and

(6) The location and use of life rafts and other floatation devices prior to flight.

(e) *Maintenance.* The equipment required by this section must be

maintained in accordance with § 135.419.

(f) *ELT Standards.* The ELT required by paragraph (b)(4) of this section must meet the requirements in Technical Standard Order (TSO)-C126a. Technical Standard Order C126a, 406 MHz Emergency Locator Transmitter (ELT), December 17, 2008, is incorporated by reference into this section with the approval of the Director of the Office of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse M30, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, MD 20785; telephone (301) 322–5377. Copies are also available on the FAA's Web site. Use the following link: *http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgTSO.nsf/0/0ac772bbed9b95a586257523007629b3/$FILE/TSO-C126a.pdf.* All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(g) *ELT Alternative Compliance.* Operators with an ELT required by paragraph (b)(4) of this section that meets a later version of TSO–C126a, or an ELT with an approved deviation under § 21.609 of this chapter, also are in compliance with this section.

14. Revise § 135.221 to read as follows:

§ 135.221 IFR: Alternate airport weather minima.

(a) *Aircraft other than rotorcraft.* No person may designate an alternate airport unless the weather reports or forecasts, or any combination of them, indicate that the weather conditions will be at or above authorized alternate airport landing minima for that airport at the estimated time of arrival.

(b) *Rotorcraft.* Unless otherwise authorized by the FAA, no person may include an alternate airport or heliport in an IFR flight plan unless appropriate weather reports or weather forecasts, or a combination of them, indicate that, at the estimated time of arrival at the alternate airport or heliport, the ceiling and visibility at that airport or heliport will be at or above the following weather minima –

(1) If, for that airport or heliport, an instrument approach procedure has been published in part 97 of this chapter, or a special instrument approach procedure has been issued by the FAA to the operator, the ceiling is 200 feet above the minimum for the approach to be flown, and visibility is at least 1 statute mile but never less than the minimum visibility for the approach to be flown.

(2) If, for the alternate airport or heliport, no instrument approach procedure has been published in part 97 of this chapter and no special instrument approach procedure has been issued by the FAA to the operator, the ceiling and visibility minima are those allowing descent from the MEA, approach, and landing under basic VFR.

15. Amend § 135.267 by adding paragraph (g) to read as follows:

§ 135.267 Flight time limitations and rest requirements: Unscheduled one- and two-pilot crews.

* * * * *

(g) For purposes of this section the term "flight time" includes any helicopter air ambulance operation with medical personnel, as defined in § 135.601, on board the helicopter.

16. Amend § 135.271 by adding paragraph (j) to read as follows:

§ 135.271 Helicopter hospital emergency medical evacuation service (HEMES).

* * * * *

(j) For purposes of this section the term "flight time" includes any HEMES operations with medical personnel, as defined in § 135.601, on board the helicopter.

17. Amend § 135.293 by—

a. Removing the word "and" from the end of paragraph (a)(7)(iii);

b. Removing the period and adding "; and" in its place at the end of paragraph (a)(8);

c. Adding paragraph (a)(9);

d. Redesignating paragraphs (c) through (f) as paragraphs (d) through (g) respectively; and

e. Adding new paragraph (c).

The additions read as follows:

§ 135.293 Initial and recurrent pilot testing requirements.

(a) * * *

(9) For rotorcraft pilots, procedures for aircraft handling in flat-light, whiteout, and brownout conditions, including methods for recognizing and avoiding those conditions.

* * * * *

(c) Each competency check for a rotorcraft pilot must include a demonstration of the pilot's ability to maneuver the rotorcraft solely by reference to instruments. The check must determine the pilot's ability to safely maneuver the rotorcraft into visual meteorological conditions following an inadvertent encounter with instrument meteorological conditions. For competency checks in non-IFR-certified rotorcraft, the pilot must perform such maneuvers as are appropriate to the rotorcraft's installed equipment, the certificate holder's operations specifications, and the operating environment.

* * * * *

§ 135.297 [Amended]

18. Amend § 135.297 by removing the reference to "§ 135.293 (d)" and adding "§ 135.293 (e)" in its place in the last sentence of paragraph (c) introductory text.

19. Add subpart L to part 135 to read as follows:

Subpart L—Helicopter Air Ambulance Equipment, Operations, and Training Requirements

Sec.

Subpart L—Helicopter Air Ambulance Equipment, Operation, and Training Requirements

§ 135.601 Applicability and definitions.

(a) *Applicability.* This subpart prescribes the requirements applicable to each certificate holder conducting helicopter air ambulance operations.

(b) *Definitions.* For purposes of this subpart, the following definitions apply.

(1) *Helicopter air ambulance* means a helicopter used in helicopter air ambulance operations by a part 135 certificate holder authorized by the FAA to conduct helicopter air ambulance operations.

(2) *Helicopter air ambulance operation* means a flight, or sequence of flights, conducted for the purpose of transporting a person in need of medical care, or a donor organ, by helicopter air ambulance. This includes, but is not limited to—

(i) Flights conducted to position the helicopter at the site at which a patient or donor organ will be picked up;

(ii) Flights conducted to reposition the helicopter after completing the patient, or donor organ transport; and

(iii) Flights initiated for the transport of a patient or donor organ that are terminated due to weather or other reasons.

(3) *Medical personnel* means persons with medical training, including but not limited to a flight physician, a flight nurse, or a flight paramedic, who are carried aboard a helicopter during helicopter air ambulance operations in order to provide medical care.

(4) *Mountainous* means designated mountainous areas as defined in part 95 of this chapter.

(5) *Non-mountainous* means areas other than mountainous areas as defined in part 95 of this chapter.

§ 135.603 Pilot-in-command qualifications.

After [*DATE 3 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE*], no certificate holder may use, nor may any person serve as, a pilot in command of a helicopter air ambulance operation unless that person meets the requirements of § 135.243 and holds a helicopter instrument rating or an airline transport pilot certificate with a category and class rating for that aircraft, that is not limited to VFR.

§ 135.605 Helicopter terrain awareness and warning system (HTAWS).

(a) No person may operate a helicopter in helicopter air ambulance operations after [*DATE 3 YEARS AFTER EFFECTIVE DATE OF THE FINAL RULE*], unless that helicopter is equipped with a helicopter terrain awareness and warning system (HTAWS) that meets the requirements in Technical Standard Order (TSO)–C194. Technical Standard Order (TSO)–C194 Helicopter Terrain Awareness and Warning System, December 17, 2008, is incorporated by reference into this section with the approval of the Director of the Office of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse M30, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, MD 20785; telephone (301) 322–5377. Copies are also available on the FAA's Web site. Use the following link: *http://www.airweb.faa.gov/Regulatory_and_Guidance_Library/rgTSO.nsf/0/532109AB059EC23D8625762000573A1E?OpenDocument.* All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

(b) Operators with HTAWS required by this section that meets a later version of TSO–C194, or HTAWS with an approved deviation under § 21.609 of this chapter, also are in compliance with this section.

(c) The certificate holder's Rotorcraft Flight Manual must contain appropriate procedures for—

(1) The use of the HTAWS; and

(2) Proper flight crew response to HTAWS audio and visual warnings.

§ 135.607 VFR minimum altitudes and visibility requirements.

Unless specified in the certificate holder's operations specifications, when conducting helicopter air ambulance operations in Class G airspace with medical personnel on board, the following weather minima and visibility requirements apply—

(a) In non-mountainous local flying areas—

(1) During the day, 800-foot ceiling and 2 statute miles visibility.

(2) At night—

(i) When equipped with an FAA-approved night-vision imaging system (NVIS) or an FAA-approved HTAWS, 800-foot ceiling and 3 statute miles visibility; or

(ii) When not equipped with an FAA-approved NVIS or an FAA-approved HTAWS, 1,000-foot ceiling and 3 statute miles visibility.

(b) In non-mountainous cross-country flying areas—

(1) During the day, 800-foot ceiling and 3 statute miles visibility.

(2) At night—

(i) When equipped with an FAA-approved NVIS or an FAA-approved HTAWS, 1,000-foot ceiling and 3 statute miles visibility; or

(ii) When not equipped with an FAA-approved NVIS or an FAA-approved HTAWS, 1,000-foot ceiling and 5 statute miles visibility.

(c) In mountainous local flying areas—

(1) During the day, 800-foot ceiling and 3 statute miles visibility.

(2) At night—

(i) When equipped with an FAA-approved NVIS or an FAA-approved HTAWS, 1,000-foot ceiling and 3 statute miles visibility; or

(ii) When not equipped with an FAA-approved NVIS or an FAA-approved HTAWS, 1,500-foot ceiling and 3 statute miles visibility.

(d) In mountainous cross-country flying areas—

(1) During the day, 1,000-foot ceiling and 3 statute miles visibility.

(2) At night—

(i) When equipped with an FAA-approved NVIS or an FAA-approved HTAWS, 1,000-foot ceiling and 5 statute miles visibility; or

(ii) When not equipped with an FAA-approved NVIS or an FAA-approved HTAWS, 1,500-foot ceiling and 5 statute miles visibility.

(e) Each certificate holder must designate a local flying area for each base of operations at which helicopter air ambulance services are conducted, in a manner acceptable to the FAA, that must—

(1) Not exceed 50 nautical miles in any direction from the helicopter's base of operations;

(2) Take into account man-made and natural geographic terrain features that are easily identifiable by the pilot in command and from which the pilot in command may visually determine a position at all times; and

(3) Take into account the operating environment and capabilities of the certificate holder's aircraft.

§ 135.609 IFR operations at locations without weather reporting.

(a) If a certificate holder is authorized to conduct helicopter IFR operations, the FAA may issue operations specifications to allow that certificate holder to conduct IFR operations at airports or heliports with an instrument approach procedure and at which a weather report is not available from the U.S. National Weather Service (NWS), a source approved by the NWS, or a source approved by the FAA, subject to the following limitations:

(1) In Class G airspace, IFR departures are authorized only after the pilot in command of the affected flight determines that the weather conditions at the departure point are at or above VFR minima in accordance with § 135.607;

(2) The certificate holder must obtain a weather report from a weather reporting facility operated by the NWS, a source approved by the NWS, or a source approved by the FAA, that is located within 15 nautical miles of the destination landing area. In addition, the certificate holder must obtain the area forecast from the NWS, a source approved by the NWS, or a source approved by the FAA, for information regarding the weather observed in the vicinity of the destination landing area;

(3) Flight planning for IFR flights conducted under this paragraph must include selection of an alternate airport that meets the requirements of §§ 135.221 and 135.223; and

(4) All approaches must be at Category A approach speeds or those required for the type of approach being used.

(b) Each helicopter air ambulance operated under this section must be—

(1) Fully equipped and certified to conduct IFR operations under this part;

(2) Equipped with functioning severe weather-detection equipment, such as airborne weather radar or lightning detection;

(3) Equipped with an operable autopilot, if used in lieu of the second in command required by § 135.101; and

(4) Equipped with navigation equipment appropriate to the approach to be flown.

(c) Each pilot in command who conducts operations under this section must—

(1) Have a current § 135.297 pilot-in-command instrument proficiency check;

(2) Be certificated to conduct the permitted IFR operations;

(3) Be trained in accordance with the certificate holder's approved training program and annually complete an approved course that includes, but is not limited to—

(i) A review of IFR regulations found in this part and parts 1, 61, and 91 of this chapter, and IFR operations found in the Aeronautical Information Manual;

(ii) Interpreting weather, weather reports, and weather forecasts;

(iii) Reviewing instrument charts;

(iv) Crew resource management;

(v) Methods for determining weather observations by the pilot in command, including present visibility and ceilings; and

(vi) Approaches authorized under this section;

(4) Be qualified in accordance with the requirements of this part;

(5) Be current in all requirements to perform operations under IFR in the make or model of helicopter being used; and

(6) Be tested and checked on IFR operations at uncontrolled airports.

(d) Pilots conducting operations pursuant to this section may use the weather information obtained in paragraph (a) to satisfy the weather report and forecast requirements of § 135.213 and § 135.225(a).

(e) After completing a landing at the destination airport or heliport at which a weather report is not available, the pilot in command is authorized to determine if the weather meets the takeoff requirements of part 97 of this chapter or the certificate holder's operations specification, as applicable.

§ 135.611 VFR/visual transitions from instrument approaches.

(a) Transitions from IFR flight to VFR flight on approach to a heliport or landing area—

(1) If an approved visual segment exists as part of an approved instrument approach procedure, the appropriate associated minima on the approach chart apply.

(2) Unless authorized by the FAA, the following VFR weather minima apply when conducting an authorized IFR Point in Space (PinS) Copter Special Instrument Approach Procedure—

(i) If the proceed-VFR segment to the heliport of intended landing is within 1 nautical mile of the missed approach point, and is within the obstacle evaluation area, visibility must be at least 1 statute mile.

(ii) If the proceed-VFR segment is 3 nautical miles or less from the heliport or landing area and does not meet the requirements of paragraph (a)(1)(i) of this section, then—

(A) Day Operations: 600-foot ceiling/2 statute miles visibility.

(B) Night Operations: 600-foot ceiling/3 statute miles visibility.

(3) Unless authorized by the FAA, the following VFR weather minima apply when conducting an authorized IFR Standard or Special Instrument Approach Procedure and transitions to VFR at the missed approach point that is 3 nautical miles or less from the heliport or landing area—

(i) Day Operations: 600-foot ceiling/2 statute miles visibility.

(ii) Night Operations: 600-foot ceiling/3 statute miles visibility.

(4) If the distance from the missed approach point to the heliport or landing area exceeds 3 nautical miles, the minimum altitudes and visibility requirements of § 135.607 apply.

(b) Transitions from VFR to IFR upon departure from a heliport or landing area—

(1) A pilot may use the VFR weather minima of paragraph (a)(1) or (a)(2) of this section to depart a heliport or landing area if—

(i) The operator follows an FAA-approved obstacle departure procedure;

(ii) The operator has filed an IFR flight plan and obtains an IFR clearance upon reaching a predetermined location; and

(iii) The distance from the departure location to the point at which IFR clearance will be obtained does not exceed 3 nautical miles.

(2) If the operator cannot meet the departure requirements of paragraph (b)(1) of this section then the minimum altitudes and visibility requirements of § 135.607 apply.

§ 135.613 VFR flight planning.

(a) *Pre-flight:* Prior to conducting VFR operations, the pilot in command must—

(1) Determine the minimum safe cruise altitude by evaluating the terrain and obstacles along the planned route of flight;

(2) Identify and document the highest obstacle along the planned route of flight; and

(3) Using the minimum safe cruise altitudes, determine the minimum required ceiling and visibility to conduct the planned flight by applying the weather minima appropriate to the conditions of the planned flight, including the requirements of this subpart and the visibility and cloud clearance requirements of § 91.155(a) of this chapter, as applicable to the class of airspace for the planned flight.

(b) *During flight:* While conducting VFR operations, the pilot in command must ensure that all terrain and obstacles along the route of flight, except for takeoff and landing, can be cleared vertically by no less than the following:

(1) 300 feet for day operations.

(2) 500 feet for night operations.

(c) *Re-routing the planned flight path:* A pilot in command may deviate from the planned flight path as required by conditions or operational considerations. During such deviations, the pilot in command is not relieved from the weather or terrain/obstruction clearance requirements of this part and part 91 of this chapter. Re-routing, change in destination, or other changes to the planned flight that occur while the aircraft is on the ground at an intermediate stop require evaluation of the new route in accordance with paragraph (a) of this section.

(d) *Operations manual:* Each certificate holder must document its VFR flight planning procedures in its operations manual.

§ 135.615 Pre-flight risk analysis.

(a) Each certificate holder conducting helicopter air ambulance operations must establish, and document in its operations manual, an FAA-approved procedure for conducting pre-flight risk analyses that include at least the following items—

(1) Flight considerations, to include obstacles and terrain along the planned route of flight, landing zone conditions, and fuel requirements;

(2) Human factors, such as crew fatigue, life events, and other stressors;

(3) Weather, including departure, en route, destination, and forecasted;

(4) Whether another helicopter air ambulance operator has refused or rejected a flight request; and

(5) Strategies and procedures for mitigating identified risks, including procedures for obtaining and documenting approval of the certificate holder's management personnel to

release a flight when a risk exceeds a level predetermined by the certificate holder.

(b) Each certificate holder must develop a pre-flight risk analysis worksheet to include, at a minimum, the items in paragraph (a) of this section.

(c) Prior to the first leg of each helicopter air ambulance operation, the pilot in command must conduct and document on the risk analysis worksheet a pre-flight risk analysis in accordance with the certificate holder's FAA-approved procedures. The pilot in command must sign the risk analysis worksheet and specify the date and time it was completed.

(d) The certificate holder must retain the original or a copy of each completed pre-flight risk analysis worksheet at a location specified in its operations manual for at least 90 days from the date of the operation.

§ 135.617 Operations control centers.

(a) After [*DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE*] certificate holders authorized to conduct helicopter air ambulance operations, with 10 or more helicopter air ambulances assigned to the certificate holder's operations specifications, must have an operations control center, staffed by operations control specialists who, at a minimum—

(1) Provide two-way communications with pilots;

(2) Provide pilots with weather briefings, to include current and forecasted weather along the planned route of flight;

(3) Monitor the progress of the flight; and

(4) Participate in the pre-flight risk analysis required under § 135.615 to include the following:

(i) Ensure pilot has completed all required items on the FAA-approved pre-flight risk analysis form;

(ii) Confirm and verify all entries on pre-flight risk analysis form;

(iii) Assist the pilot in mitigating any identified risk prior to takeoff; and

(iv) Acknowledge in writing, specifying the date and time, that the risk analysis worksheet has been accurately completed and that, according to their professional judgment, the flight can be conducted safely.

(b) Each certificate holder conducting helicopter air ambulance operations must provide enough operations control specialists at each operations control center to ensure proper operational control of each flight.

(c) Each certificate holder must describe in its operations manual the duties and responsibilities of operations control specialists, including pre-flight risk mitigation strategies and control measures, shift change checklist, and its training and testing procedures to hold the position, including procedures for retesting.

(d) No certificate holder may use, nor may any person serve as, an operations control specialist unless that person has satisfactorily completed the training required by paragraph (e) of this section.

(e) No person may perform the duties of an operations control specialist before completing the certificate holder's FAA-approved operations control specialist training program and passing an FAA-approved written knowledge and a practical test given by the certificate holder as required by this paragraph. No person may continue performing the duties of an operations control specialist unless that person has completed the certificate holder's FAA-approved recurrent training program and passed an FAA-approved written knowledge test and a practical test given by the certificate holder as required by this paragraph.

(1) Initial training must include a minimum of 80 hours of training on the topics listed in paragraph (g) of this section. A certificate holder may reduce the number of hours of initial training to a minimum of 40 hours for persons who have obtained, at the time of beginning initial training, a total of at least 2 years of experience during the last 5 years in any one or in any combination of the following areas—

(i) In military aircraft operations as a pilot, flight navigator, or meteorologist;

(ii) In air carrier operations as a pilot, flight engineer, certified aircraft dispatcher, or meteorologist; or

(iii) In aircraft operations as an air traffic controller or a flight service specialist.

(2) Each operations control specialist must receive a minimum of 40 hours of recurrent training on the topics listed in paragraph (g) of this section and pass an FAA approved written knowledge test and practical test given by the certificate holder on those topics within the calendar month of the anniversary of passing the initial practical test. Recurrent training and examinations may be completed in the calendar month before, the calendar month of, or the calendar month after they are due.

(f) The certificate holder must maintain a training record for each operations control specialist employed by the certificate holder for the duration of that individual's employment and for 90 days thereafter. Each training record must include a chronological log of all instructors, subjects covered, and course examinations and results.

(g) Each certificate holder must have an FAA-approved operations control specialist training program that covers at least the following topics—

(1) Aviation weather, to include:

(i) General meteorology;

(ii) Prevailing weather;

(iii) Adverse and deteriorating weather;

(iv) Windshear;

(v) Icing conditions;

(vi) Use of aviation weather products;

(vii) Available sources of information; and

(viii) Weather minima;

(2) Navigation, to include:

(i) Navigation aids;

(ii) Instrument approach procedures;

(iii) Navigational publications; and

(iv) Navigation techniques;

(3) Flight monitoring, to include:

(i) Available flight-monitoring procedures; and

(ii) Alternate flight-monitoring procedures;

(4) Air traffic control, to include:

(i) Airspace;

(ii) Air traffic control procedures;

(iii) Aeronautical charts; and

(iv) Aeronautical data sources;

(5) Aviation communication, to include:

(i) Available aircraft communications systems;

(ii) Normal communication procedures;

(iii) Abnormal communication procedures; and

(iv) Emergency communication procedures;

(6) Aircraft systems, to include:

(i) Communications systems;

(ii) Navigation systems;

(iii) Surveillance systems;

(iv) Fueling systems;

(v) Specialized systems;

(vi) General maintenance requirements; and

(vii) Minimum equipment lists;

(7) Aircraft limitations and performance, to include:

(i) Aircraft operational limitations;

(ii) Aircraft performance;

(iii) Weight and balance procedures and limitations; and

(iv) Landing zone and landing facility requirements;

(8) Aviation policy and regulations, to include:

(i) 14 CFR parts 1, 27, 29, 61, 71, 91, and 135;

(ii) 49 CFR part 830;

(iii) Company operations specifications;

(iv) Company general operations policies;

(v) Enhanced operational control policies;

(vi) Aeronautical decisionmaking and risk management;

(vii) Lost procedures; and

(viii) Emergency and search and rescue procedures, including plotting coordinates in degrees, minutes, seconds format, and degrees, decimal minutes format;

(9) Crew resource management, to include:

(i) Concepts and practical application;

(ii) Risk management and risk mitigation; and

(iii) Pre-flight risk analysis procedures required under § 135.615;

(10) Local flying area orientation, to include:

(i) Terrain features;

(ii) Obstructions;

(iii) Weather phenomena for local area;

(iv) Airspace and air traffic control facilities;

(v) Heliports, airports, landing zones, and fuel facilities;

(vi) Instrument approaches;

(vii) Predominant air traffic flow;

(viii) Landmarks and cultural features, including areas prone to white out or brown out conditions; and

(ix) Local aviation and safety resources and contact information; and

(11) Any other requirements as determined by the FAA to ensure safe operations.

(h) *Operations control specialist duty time limitations.*

(1) Each certificate holder must establish the daily duty period for an operations control specialist so that it begins at a time that allows that person to become thoroughly familiar with operational considerations, including existing and anticipated weather conditions in the area of operations, helicopter operations in progress, and helicopter maintenance status, before performing duties associated with any helicopter air ambulance operation. The operations control specialist must remain on duty until each helicopter air ambulance monitored by that person has completed its flight, has gone beyond that person's jurisdiction, or the operations control specialist is relieved by another qualified operations control specialist.

(2) Except in cases where circumstances or emergency conditions beyond the control of the certificate holder require otherwise—

(i) No certificate holder may schedule an operations control specialist for more than 10 consecutive hours of duty;

(ii) If an operations control specialist is scheduled for more than 10 hours of duty in 24 consecutive hours, the certificate holder must provide that person a rest period of at least 8 hours at or before the end of 10 hours of duty;

(iii) If an operations control specialist is on duty for more than 10 consecutive hours, the certificate holder must provide that person a rest period of at least 8 hours before that person's next duty period;

(iii) Each operations control specialist must be relieved of all duty with the certificate holder for at least 24 consecutive hours during any 7 consecutive days.

(i) *Drug and Alcohol Testing.* Operations control specialists must be tested for drugs and alcohol according to the certificate holder's Drug and Alcohol Testing Program administered under part 120 of this chapter.

§ 135.619 Medical personnel briefing requirements.

(a) Except as provided in paragraph (b) of this section, prior to each helicopter air ambulance operation, each pilot in command, or other flight crewmember designated by the certificate holder, must ensure that all medical personnel have been—

(1) Briefed on the topics included in § 135.117(a) and (b); and

(2) Briefed on the following topics—

(i) Physiological aspects of flight;

(ii) Patient loading and unloading;

(iii) Safety in and around the aircraft;

(iv) In-flight emergency procedures;

(v) Emergency landing procedures;

(vi) Emergency evacuation procedures;

(vii) Efficient and safe communications with the pilot; and

(viii) Operational differences between day and night operations, if appropriate.

(b) The briefing required in paragraph (a)(2) of this section may be omitted if all medical personnel on board have satisfactorily completed the certificate holder's FAA-approved medical personnel training program within the preceding 24 calendar months. Each training program must include a minimum of 4 hours of ground training, and 4 hours of training in and around an air ambulance helicopter, on the topics set forth in paragraph (a)(2) of this section.

(c) Each certificate holder must maintain a record for each person trained under this section that—

(1) Contains the individual's name, the most recent training completion date, and a description, copy, or reference to training materials used to meet the training requirement; and

(2) Is maintained for 24 calendar months following the individual's completion of training, and for 60 days thereafter.

Issued in Washington, DC, on September 28, 2010.

Raymond Towles,

Acting Director, Flight Standards Service.

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