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

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

DEPARTMENT OF AGRICULTURE

2 CFR Chapter IV

7 CFR Part 3017

RIN 0505–AA11

Office of the Chief Financial Officer; Department of Agriculture Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

AGENCY: Office of the Chief Financial Officer, USDA.

ACTION: Interim rule.

SUMMARY: The Department of Agriculture (USDA) is establishing a new part 417 on nonprocurement debarment and suspension at 2 CFR Chapter 4 that adopts and supplements the Office of Management and Budget (OMB) guidance at 2 CFR part 180 as USDA's policies and procedures for nonprocurement debarment and suspension. Part 417 of 2 CFR replaces the existing USDA implementation of the governmentwide common rule on nonprocurement debarment and suspension at 7 CFR part 3017, and 7 CFR part 3017 is removed. This action also modifies exclusions from covered transactions and codifies a statutory permanent debarment provision. This action also finalizes an earlier proposed rule to eliminate an appeal to a USDA administrative law judge (ALJ) of a suspension or debarment decision. USDA also makes adjustments to its current exclusions from covered transactions. Finally, this interim rule implements Section 14211 of the Food, Conservation, and Energy Act of 2008, Public Law 110–246 (7 U.S.C. 2209j), which requires the Secretary to debar permanently from participation in USDA programs those convicted of having knowingly committed fraud in USDA programs.

DATES: This interim final rule is effective September 22, 2010, unless written adverse comments or written notice of intent to submit adverse comments are received on or before July 26, 2010.

ADDRESSES: Comments may be submitted by any of the following methods: Federal eRulemaking Portal: Go to *http://www.regulations.gov,* select "Department of Agriculture—All" from the agency drop-down menu, select "Proposed Rules" from the document type menu, and then click "Submit." In the document title column, select the proposed rule with "2 CFR 417, Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" in the title to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

E-mail: peter.laub@cfo.usda.gov or Fax: (202) 690–1529. Include Regulatory Information Number (RIN) 0505–AA11 in the subject line of the message.

Postal Mail/Commercial Delivery: Please send four copies of your comments (an original and three copies) to Peter Laub, OCFO/CTGPD Room 3451–S, Stop 9010, 1400 Independence Avenue, SW., Washington, DC 20250–9010.

All comments submitted must include the agency name and RIN for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Peter Laub, (202) 720–1554; Fax: (202) 690–1529, E-mail: *peter.laub@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background: On August 31, 2005, OMB issued interim final guidance for governmentwide nonprocurement debarment and suspension (70 FR 51863). This guidance, located at 2 CFR part 180, is substantively the same as the common rule but is published in a form that each agency can adopt, thus eliminating the need for each agency to publish its separate version of the same rule. It also facilitates the ability to update governmentwide requirements without each agency having to re-promulgate its own rules. On November 15, 2006, OMB published a final rule adopting the interim final guidance with changes (71 FR 66431).

USDA's current regulation on nonprocurement debarment and suspension is found at 7 CFR part 3017. In accordance with OMB's guidance, this rule places USDA's nonprocurement debarment and suspension regulations in Title 2 of the CFR, along with other agencies' nonprocurement debarment and suspension regulations. The new regulation at 2 CFR part 417 adopts the OMB guidelines and includes, with few exceptions, the same additions and clarifications that USDA made to the governmentwide common rule on this subject issued November 26, 2003 (68 FR 66534, 66562). In addition to those additions and clarifications, USDA is eliminating the ALJ appeal processes for suspension and debarment, which were authorized in 7 CFR 3017.765 and 3017.890, respectively. In 68 FR 66562, USDA stated an intention to remove the ALJ appeal. The Department did not receive any adverse comments regarding its intention to remove the ALJ appeals. The Department decided to remove the appeal to an ALJ to conform to the same process as other Federal agencies.

USDA is replacing the exclusion from covered transaction status for nonprocurement transactions currently found in paragraph (i) of 7 CFR section 3017.215 with narrower exclusions in paragraphs (a)(8) and (9) of 2 CFR section 417.215. The exclusion from covered transaction status under 7 CFR 3017.215(i) applied to any transactions below the primary tier covered transaction in USDA's export and foreign assistance programs, with one exception relating to the Market Access Program. USDA is also replacing the exclusion from covered transaction status for procurement transactions currently found in subsection (c) of 7 CFR 3017.220 with narrower exclusions in paragraphs (c) and (d) of 2 CFR section 417.220. The exclusion from covered transaction status under 7 CFR 3017.220(c) applied to any procurement transactions below the primary tier covered transaction in USDA's export and foreign assistance programs, with the exception of a contract for the procurement of ocean transportation in connection with USDA's foreign assistance programs.

The exclusions from covered transaction status in 2 CFR 417.215(a)(8) and (9) and 417.220(c) and (d) will apply only to USDA's foreign assistance programs and two categories of USDA's export programs, the export credit guarantee programs and the direct credit programs. Furthermore, the exclusions will apply only to lower tier transactions that will be implemented outside the United States. In two newly added sections, 2 CFR 417.221 and 417.222, USDA explains how the exclusions from covered transaction status for its foreign assistance, export credit guarantee and direct credit programs will apply. The examples of transactions provided in these sections are intended to be illustrative but not exhaustive.

At the current time, USDA is implementing two foreign assistance programs, the Food for Progress Program and the McGovern-Dole International Food for Education and Child Nutrition Program. USDA also has authority to carry out foreign assistance activities under section 416(b) of the Agricultural Act of 1949. With regard to USDA's foreign assistance programs, the vast majority of transactions below the primary tier covered transactions are carried out in foreign countries.

For example, a private voluntary organization receiving a grant under the McGovern-Dole International Food for Education and Child Nutrition Program might enter into an agreement with a foreign subrecipient that would hire a construction company to build a school in Afghanistan. In the absence of the exclusions from covered transaction status in 2 CFR 417.215(a)(8) and 417.220(c), the private voluntary organization would have to insert compliance language into its agreement with the subrecipient, which would be a participant in a covered transaction at the first lower tier, and require the subrecipient to insert appropriate language into its contract with the construction company. This contract would most likely be written in the foreign language. This would place a tremendous burden on the private voluntary organization. Entities in some countries may not have ready access to the Excluded Parties List System (EPLS). Furthermore, due to language and logistical difficulties, it would be very difficult for USDA to monitor compliance by participants in lower tier transactions who are located and carrying out activities in foreign countries. The exceptions in 2 CFR 417.215(a)(8) and 417.220(c) have been narrowly drawn to recognize the realities of foreign transactions and to avoid an adverse impact upon the implementation of USDA's foreign assistance programs.

Currently, the only export credit guarantee program operated by USDA is the Commodity Credit Corporation (CCC) Export Credit Guarantee Program, commonly known as the GSM–102 program. USDA does not currently operate a direct credit program. Under the GSM–102 program, CCC guarantees repayment of certain loans extended to foreign bank obligors. The guarantee itself is originally issued in favor of an exporter of U.S. agricultural commodities, and in the vast majority of cases, is assigned by such exporter to a U.S. financial institution. The currently authorized but dormant direct credit sales program authorizes CCC to finance commercial export sales of privately owned stocks of commodities.

For example, under GSM–102, a CCC guarantee would exist in favor of a U.S. exporter or U.S. financial institution, as assignee of such exporter. At inception, such a guarantee would contemplate a U.S. exporter, a foreign importer, a CCC-approved foreign bank, and, in all likelihood, an assignee U.S. financial institution. The guarantee would extend to certain obligations of the CCC-approved foreign bank. To the extent the foreign bank and the importer are considered participants in a covered transaction at the first lower tier, then, in the absence of an exception, the foreign bank and the importer would each be required to adhere to the provisions of 2 CFR 180.300 when entering into a covered transaction with another person at the next lower tier. This would have the effect of requiring each foreign bank and each importer involved in a GSM–102 transaction, with respect to any person with whom it enters into a lower tier covered transaction, to check the EPLS, collect a certification, or add a clause or condition to the covered transaction with that person. Similar concerns would arise with respect to the direct credit sales program, in the event it became active.

It would be difficult in the extreme to monitor compliance by each importer participant and foreign bank participant with respect to each person with whom it entered into a lower tier covered transaction. More importantly, the inability to ensure compliance with such a requirement could readily cause U.S. financial institutions to opt out of participation in the program. As nearly 100 percent of all GSM–102 transactions currently involve a U.S. financial institution as assignee of the program, such reticence on the part of the U.S. financial institutions would effectively cause the demise of the program altogether.

While there will be no covered transactions below the primary tier covered transaction in USDA's foreign assistance programs, export credit guarantee programs, and direct credit programs, USDA will still require primary tier participants in these programs to check the EPLS and not to enter into a nonprocurement transaction or a procurement contract that is expected to equal or exceed $25,000 at the first lower tier with a person who is excluded or disqualified. Complying with this requirement will not be impracticable or impose undue hardship upon the primary tier participant.

USDA is also eliminating the exclusion from covered transaction status for nonprocurement transactions currently found in subsection (j) of 7 CFR 3017.215. This exclusion applied to any transactions under USDA's conservation programs, warehouse licensing programs, or programs that provide statutory entitlements and make available loans to individuals and entities in their capacity as producers of agricultural commodities. With regard to USDA's conservation and commodity programs, after approximately 20 years, USDA has determined that the interests of the United States are not adequately protected if persons who have been suspended or debarred are allowed to participate in these programs. With respect to USDA's warehouse licensing programs, these would be excluded from covered transaction status pursuant to 2 CFR 417.215(a)(3), which excludes the receipt of licenses, permits, certificates, and indemnification under regulatory programs conducted in the interest of public health and safety.

It is important to note that, consistent with its predecessor in 7 CFR part 3017, this rule excludes from covered transaction status those nonprocurement transactions provided as individual benefits, sometimes referred to as personal entitlements, which are received without regard to an individual's present responsibility. An individual debarred or suspended from participation in a covered transaction under this part, then, would not be prohibited on that basis from participation in a transaction that involves Federal funds but does not have covered transaction status under this part. To clarify further, an individual debarred or suspended nevertheless remains eligible to participate in a USDA transaction excluded from covered transaction status by this rule. For instance, based on a criminal conviction in connection

with the performance of a grant related to another Federal agency's program, an individual may be debarred from participation in all covered transactions governmentwide. Despite being debarred, however, the individual would remain eligible to participate in a USDA transaction excluded from covered transaction status here, such as the receipt of individual or household benefits under the USDA's Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program). This particular exemption is also consistent with that established in Section 1(c) of Executive Order 12549, Debarment and Suspension, the basis for the governmentwide nonprocurement debarment and suspension authorities codified here, which specifically "does not cover * * * benefits to an individual as a personal entitlement." Examples of other noncovered transactions, for purposes of nonprocurement debarment and suspension, include participation as an authorized retailer in SNAP or as a retail vendor in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), because exclusion under this part is superseded by other law, *i.e.,* comprehensive statutory disqualification provisions are in place for these entities that would conflict with the application of this part.

In addition, this rule codifies at 2 CFR 417.865(b) the Secretary's recently enacted statutory authority to debar permanently a specific class of participants involved in USDA programs. Section 14211(b)(2) of the Food, Conservation, and Energy Act of 2008, Public Law 110–246 (7 U.S.C. 2209j), directs the Secretary to debar permanently from subsequent participation in USDA programs an "individual, organization, corporation, or other entity" convicted of a felony for "knowingly defrauding" the USDA related to any of its programs. While a conviction may be imposed by a State, local, or Federal jurist, the underlying crime must encompass a fraud committed with knowledge by the defendant. Permanent debarment is also statutorily limited—extending only to a felon's future participation in USDA programs.

Section 14211(b)(2) limits the effect of permanent debarments imposed by the Secretary using this authority, stating that they "shall not apply with respect to participation in domestic food assistance programs (as defined by the Secretary)." In view of the definitional discretion afforded the Secretary, this rule includes an inclusive rather than exhaustive list of those domestic food assistance programs. We note that the listed programs encompass benefits provided under domestic food assistance programs to *individuals or households* participating in and receiving benefits under those listed programs. In contrast, the rule provides that a business, organization, corporation, *etc.,* debarred by the Secretary using this authority would be prohibited from participation in the listed programs. Thus, for example, the Secretary could use the authority in § 417.865(b) to debar from future participation in USDA programs a day care home provider convicted of knowingly defrauding the USDA while participating in the Child and Adult Care Food Program. As an individual, the day care home provider and her household would remain eligible to participate in USDA's domestic food assistance programs as recipients—for example, receiving benefits under the Supplemental Nutrition Assistance Programs. Conversely, WIC retail vendors and other nonbeneficiary entities in the domestic food assistance programs are not considered participants and are therefore subject to permanent debarment under § 417.865(b).

In light of the new 2 CFR part 417, USDA is removing 7 CFR part 3017, which is the current location for USDA's nonprocurement debarment and suspension regulations.

Executive Order 12866 "Regulatory Planning and Review"

OMB has determined this rule to be "Nonsignificant."

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

This regulatory action will not have a significant, adverse impact on a substantial number of small entities.

Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104–4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and Tribal governments, in aggregate, or by the private sector of $100 million or more in any one year.

Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

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

Federalism (Executive Order 13132)

This regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects

2 CFR Part 417

Debarment and suspension (nonprocurement), Grant programs (Agriculture).

7 CFR Part 3017

Debarment and suspension (nonprocurement), Grant programs (Agriculture).

■ For the reasons stated in the preamble, under the authority 2 CFR 180.20, USDA establishes 2 CFR Chapter IV and amends 7 CFR Chapter XXX as follows:

TITLE 2—GRANTS AND AGREEMENTS

■ 1. Add Chapter IV, consisting of part 417, to Subchapter B to read as follows:

Chapter IV—Department of Agriculture

PART 417—NONPROCUREMENT DEBARMENT AND SUSPENSION

Sec.

417.10 What does this part do?
417.20 Does this part apply to me?
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Subpart C—Responsibilities of Participants Regarding Transactions

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417.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

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417.755 When will I know whether the USDA suspension is continued or terminated?

Subpart H—Debarment

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417.865 How long may my debarment last?
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Subpart I—Definitions

417.930 Debarring official (USDA supplement to governmentwide definition at 2 CFR 180.930).
417.1010 Suspending official (USDA supplement to governmentwide definition at 2 CFR 180.1010).

Subpart J—[Reserved]

Authority: 5 U.S.C. 301; Pub. L. 101–576, 104 Stat. 2838; Sec. 2455, Pub. L. 103–355, 108 Stat. 3327 (31 U.S.C. 6101 note); 7 U.S.C. 2209j; E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12698 (3 CFR, Comp., p. 235); 7 CFR 2.28.

§ 417.10 What does this part do?

This part adopts the OMB guidance in Subparts A through I of 2 CFR part 180, as supplemented by this part, as the USDA policies and procedures for nonprocurement debarment and suspension. It thereby gives regulatory effect for the USDA to the OMB guidance, as supplemented by this part. This part satisfies the requirements in section 3 of Executive Order 12549, "Debarment and Suspension" (3 CFR 1986 Comp., p. 189), Executive Order 12689, "Debarment and Suspension" (3 CFR 1989 Comp., p. 235) and 31 U.S.C. 6101 note (Section 2455, Pub. L. 103–355, 108 Stat. 3327).

§ 417.20 Does this part apply to me?

Through this part, pertinent portions of the OMB guidance in Subparts A through I of 2 CFR part 180 (*see* table at 2 CFR 180.100(b)) apply to you if you are a:

(a) Participant or principal in a "covered transaction" (*see* Subpart B of 2 CFR part 180 and the definition of "nonprocurement transaction" at 2 CFR 180.970, as supplemented by §§ 417.215 and 417.220 of this part);

(b) Respondent in a USDA debarment and suspension action;

(c) USDA debarment or suspension official; or

(d) USDA grants officer, agreements officer, or other official authorized to enter into any type of nonprocurement transaction that is a covered transaction.

§ 417.30 What policies and procedures must I follow?

The USDA policies and procedures that you must follow are the policies and procedures specified in this regulation and each applicable section of the OMB guidance in Subparts A through I of 2 CFR part 180, as that section is supplemented by the section in this part with the same section number. The contracts that are covered transactions, for example, are specified by section 220 of the OMB guidance (*i.e.,* 2 CFR 180.220) as supplemented by section 220 in this part (*i.e.,* § 417.220). For any section of OMB guidance in Subparts A through I of 2 CFR part 180 that has no corresponding section in this part, USDA policies and procedures are those in the OMB guidance.

Subpart A—General

§ 417.137 Who in the USDA may grant an exception to let an excluded person participate in a covered transaction?

Within the USDA, a debarring official may grant an exception to let an excluded person participate in a covered transaction as provided under 2 CFR 180.135.

Subpart B—Covered Transactions

§ 417.210 Which nonprocurement transactions are covered transactions?

All nonprocurement transactions, as defined in § 417.970, are covered transactions unless listed in § 417.215.

§ 417.215 Which nonprocurement transactions, in addition to those listed in 2 CFR 180.215, are not covered transactions?

(a) *Transactions not covered.* In addition to the nonprocurement transactions listed in 2 CFR 180.215, the following nonprocurement transactions are not covered transactions:

(1) An entitlement or mandatory award required by a statute, including a lower tier entitlement or mandatory award that is required by a statute.

(2) The export or substitution of Federal timber governed by the Forest Resources Conservation and Shortage Relief Act of 1990, 16 U.S.C. 620 *et seq.* (The "Export Act"), which prevents a debarred person from entering into any contract for the purchase of unprocessed timber from Federal lands. *See* 16 U.S.C. 620d(d)(1)(A).

(3) The receipt of licenses, permits, certificates, and indemnification under regulatory programs conducted in the interest of public health and safety, and animal and plant health and safety.

(4) The receipt of official grading and inspection services, animal damage control services, public health and safety inspection services, and animal and plant health and safety inspection services.

(5) If the person is a State or local government, the provision of official grading and inspection services, animal damage control services, animal and plant health and safety inspection services.

(6) The receipt of licenses, permits, or certificates under regulatory programs conducted in the interest of ensuring fair trade practices.

(7) Permits, licenses, exchanges and other acquisitions of real property, rights of way, and easements under natural resource management programs.

(8) Any transaction to be implemented outside the United States that is below the primary tier covered transaction in a USDA foreign assistance program.

(9) Any transaction to be implemented outside the United States that is below the primary tier covered transaction in a USDA export credit guarantee program or direct credit program.

(b) *Limited requirement to check EPLS.* Notwithstanding the fact that transactions to be implemented outside the United States that are below the primary tier covered transaction in a USDA foreign assistance program, export credit guarantee program or direct credit program are not covered transactions, pursuant to paragraphs (a)(8) and (9) of this section, primary tier participants under these programs must check the EPLS prior to entering into any transaction with a person at the first lower tier and shall not enter into such a transaction if the person is excluded or disqualified under the EPLS.

(c) *Exception.* A cause for suspension or debarment under § 180.700 or 180.800 of this title (as supplemented by § 417.800) may be based on the actions of a person with respect to a procurement or nonprocurement transaction under a USDA program even if such transaction has been excluded from covered transaction status by this section or § 417.220.

§ 417.220 Are any procurement contracts included as covered transactions?

(a) Covered transactions under this part:

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

(2) Do include some procurement contracts awarded by non-Federal participants in nonprocurement covered transactions (*see* appendix to this part).

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

(1) The contract is awarded by a participant in a nonprocurement transaction that is covered under § 417.210, and the amount of the contract is expected to equal or exceed $25,000.

(2) The contract requires the consent of a USDA official. In that case, the contract, regardless of the amount, always is a covered transaction, and it does not matter who awarded it. For example, it could be a subcontract awarded by a contractor at a tier below a nonprocurement transaction, as shown in the appendix to this part.

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

(c) Any procurement contract to be implemented outside the United States that is below the primary tier covered transaction in a USDA foreign assistance program is not a covered transaction, notwithstanding the provisions in paragraphs (a) and (b) of this section.

(d) Any procurement contract to be implemented outside the United States that is below the primary tier covered transaction in a USDA export credit guarantee program or direct credit program is not a covered transaction, notwithstanding the provisions in paragraphs (a) and (b) of this section.

(e) Notwithstanding the fact that procurement contracts to be implemented outside the United States that are below the primary tier covered transaction in a USDA foreign assistance program, export credit guarantee program or direct credit program are not covered transactions, pursuant to paragraphs (c) and (d) of this section, primary tier participants under these programs must check the EPLS prior to entering into any procurement contract that is expected to equal or exceed $25,000 with a person at the first lower tier and shall not enter into such a procurement contract if the person is excluded or disqualified under the EPLS.

§ 417.221 How would the exclusions from coverage for the USDA's foreign assistance programs apply?

The primary tier covered transaction would be the food aid grant agreement entered into between USDA and a program participant, such as a U.S. private voluntary organization. USDA would have to check the EPLS before entering into the food aid grant agreement to ensure that the U.S. private voluntary organization that would be the primary tier participant is not excluded or disqualified. A transaction at the first lower tier might be a subrecipient agreement between the U.S. private voluntary organization and a foreign subrecipient of the commodities that were provided under the food aid grant agreement. Pursuant to § 417.215(a)(8), this nonprocurement transaction would not be a covered transaction. In addition, a transaction at the first lower tier might be a procurement contract entered into between the U.S. private voluntary organization and a foreign entity to provide supplies or services that are expected to equal or exceed $25,000 in value and that are needed by such organization to implement activities under the food aid grant agreement. Pursuant to § 417.220(c), this procurement contract would not be a covered transaction. However, pursuant to §§ 417.215(b) and 417.220(e), the U.S. private voluntary organization would be prohibited from entering into, at the first lower tier, an agreement with a subrecipient or a procurement contract that is expected to equal or exceed $25,000 with an entity that appears on the EPLS as excluded or disqualified.

§ 417.222 How would the exclusions from coverage for USDA's export credit guarantee and direct credit programs apply?

(a) *Export credit guarantee program.* In the case of the export credit guarantee program, the primary tier covered transaction would be the guarantee issued by the USDA to a U.S. exporter. The U.S. exporter usually assigns the guarantee to a U.S. financial institution, and this would create another primary tier covered transaction between USDA and the U.S. financial institution. USDA would have to check the EPLS before issuing a guarantee or accepting a guarantee assignment to ensure that the U.S. exporter or financial institution that would be the primary tier participant is not excluded or disqualified. A transaction at the first lower tier under the export credit guarantee program might be a payment obligation of a foreign bank to the U.S. exporter to pay on behalf of the importer for the exported U.S. commodities that are covered by the guarantee. Similarly, a transaction at the first lower tier might be a payment obligation of a foreign bank under an instrument, such as a loan agreement or letter of credit, to the U.S. financial institution assigned the guarantee, which has paid the exporter for the exported U.S. commodities and, in so doing, issued a loan to the foreign bank, which the foreign bank is obligated to repay on deferred payment terms. Pursuant to § 417.215(a)(9), these nonprocurement transactions would not be covered transactions. In addition, a transaction at the first lower tier under the export credit guarantee program might be a procurement contract (*i.e.,* a contract for the purchase and sale of goods) that is expected to equal or exceed $25,000 entered into between the U.S. exporter and the foreign importer for the U.S. commodities, the payment for which is covered by the guarantee. Pursuant to § 417.220(d), this procurement contract would not be a covered transaction. However, pursuant to §§ 417.215(b) and 417.220(e), the U.S. exporter or U.S. financial institution would be prohibited from entering into, at the first lower tier, an agreement with an importer (or intervening purchaser) or foreign bank or a procurement contract that is expected to equal or exceed $25,000 with an entity that appears on the EPLS as excluded or disqualified.

(b) *Direct credit program.* In the case of the direct credit program, the primary tier covered transaction would be the financing agreement between the USDA and the U.S. exporter. USDA purchases the exporter's account receivable in a particular transaction pursuant to the financing agreement. On occasion, such transaction may contemplate a payment obligation of a U.S. or foreign bank to make the required payments. USDA would have to check the EPLS before entering into a financing agreement or accepting such a payor to ensure that the U.S. exporter or the bank, if any, that would be the primary tier participant is not excluded or disqualified. A transaction at the first lower tier might be a payment obligation of the importer to pay the exporter for the exported U.S. commodities that are covered by the financing agreement. Pursuant to § 417.215(a)(9), this nonprocurement transaction would not be a covered transaction. In addition, a transaction at the first lower tier might be a procurement contract that is expected to equal or exceed $25,000 entered into between the U.S. exporter and the foreign importer for the U.S. commodities, the payment for which is covered by the financing agreement. Pursuant to § 417.220(d), this procurement contract would not be a covered transaction. However, pursuant to §§ 417.215(b) and 417.220(e), the U.S. exporter would be prohibited from entering into, at the first lower tier, an agreement with an importer (or intervening purchaser) or bank, or a procurement contract that is expected to equal or exceed $25,000 with an entity that appears on the EPLS as excluded or disqualified.

Subpart C—Responsibilities of Participants Regarding Transactions

§ 417.332 What methods must I use to pass down requirements to participants in lower tier covered transactions with whom I intend to do business?

You as a participant must include a term or condition in lower tier covered transactions requiring lower tier participants to comply with Subpart C of the OMB guidance in 2 CFR part 180, as supplemented by Subpart C of this part.

Subpart D—Responsibilities of Department of Agriculture Officials Regarding Transactions

§ 417.437 What method do I use to communicate to a participant the requirements described in the OMB guidance at 2 CFR 180.435?

To communicate to a participant the requirements described in 2 CFR 180.435, you must include a term or condition in the transaction that requires the participant's compliance with Subpart C of 2 CFR part 180, as supplemented by Subpart C of this part, and requires the participant to include a similar term or condition in lower tier covered transactions.

Subpart E—[Reserved]

Subpart F—[Reserved]

Subpart G—Suspension

§ 417.755 When will I know whether the USDA suspension is continued or terminated?

The suspending official must make a written decision whether to continue, modify, or terminate your suspension within 45 days of closing the official record. The official record closes upon the suspending official's receipt of final submissions, information and findings of fact, if any. The suspending official may extend that period for good cause. However, the record will remain open for the full 30 days, as called for in § 180.725, even when you make a submission before the 30 days expire.

Subpart H—Debarment

§ 417.800 What are the USDA causes for debarment?

A Federal agency may debar a person for—

(a) Conviction of or civil judgment for—

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction;

(2) Violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

(b) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of an agency program, such as—

(1) A willful failure to perform in accordance with the terms of one or more public agreements or transactions;

(2) A history of failure to perform or of unsatisfactory performance of one or more public agreements or transactions; or

(3) A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction;

(c) Any of the following causes:

(1) A nonprocurement debarment by any Federal agency taken before March 1, 1989, or a procurement debarment by any Federal agency taken pursuant to 48 CFR part 9, subpart 9.4, before August 25, 1995;

(2) Knowingly doing business with an ineligible person, except as permitted under § 180.135;

(3) Failure to pay a single substantial debt, or a number of outstanding debts (including disallowed costs and overpayments, but not including sums owed the Federal Government under the Internal Revenue Code) owed to any Federal agency or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted;

(4) Violation of a material provision of a voluntary exclusion agreement entered into under § 180.640 or of any settlement of a debarment or suspension action; or

(5) Violation of the provisions of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701); or

(d) Any other cause of so serious or compelling a nature that it affects your present responsibility.

§ 417.865 How long may my debarment last?

(a) If the debarring official decides to debar you, your period of debarment will be based on the seriousness of the cause(s) upon which your debarment is based. Generally, debarment should not exceed 3 years. However, if circumstances warrant, the debarring official may impose a longer period of debarment.

(b) In determining the period of debarment, the debarring official may consider the factors in 2 CFR 180.860. If a suspension has preceded your debarment, the debarring official must consider the time you were suspended.

(c) If the debarment is for a violation of the provisions of the Drug-Free Workplace Act of 1988, your period of debarment may not exceed 5 years.

(d) The Secretary shall permanently debar from participation in USDA programs any individual, organization, corporation, or other entity convicted of a felony for knowingly defrauding the United States in connection with any program administered by USDA.

(1) *Reduction.* If the Secretary considers it appropriate s/he may reduce a debarment under this subsection to a period of not less than 10 years.

(2) *Exemption.* A debarment under this subsection shall not apply with regard to participation in USDA domestic food assistance programs. For purposes of this paragraph, participation in a domestic food assistance program does not include acting as an authorized retail food store in the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC), or as a nonbeneficiary entity in any of the domestic food assistance programs. The programs include:

(i) Special Nutrition Assistance Program, 7 U.S.C. 2011, *et seq.;*

(ii) Food Distribution Program on Indian Reservations, 7 U.S.C. 2013(b);

(iii) National School Lunch Program, 42 U.S.C. 1751, *et seq.;*

(iv) Summer Food Service Program for Children, 42 U.S.C. 1761; Child and Adult Care Food Program, 42 U.S.C. 1766;

(v) Special Milk Program for Children, 42 U.S.C. 1772; School Breakfast Program, 42 U.S.C. 1773;

(vi) Special Supplemental Nutrition Program for Women, Infants, and Children, 42 U.S.C. 1786;

(vii) Commodity Supplemental Food Program, 42 U.S.C. 612c note;

(viii) WIC Farmers Market Nutrition Program, 42 U.S.C. 1786;

(ix) Senior Farmers' Market Nutrition Program, 7 U.S.C. 3007; and

(x) Emergency Food Assistance Program, 7 U.S.C. 7501, *et. seq.*

§ 417.870 When do I know if the USDA debarring official debars me?

(a) The debarring official must make a written decision whether to debar within 45 days of closing the official record. The official record closes upon the debarring official's receipt of final submissions, information and findings of fact, if any. The debarring official may extend that period for good cause. However, the record will remain open for the full 30 days, as called for in § 180.820, even when you make a submission before the 30 days expire.

(b) The debarring official sends you written notice, pursuant to § 180.615, that the official decided, either:

(1) Not to debar you; or

(2) To debar you. In this event, the notice:

(i) Refers to the Notice of Proposed Debarment;

(ii) Specifies the reasons for your debarment;

(iii) States the period of your debarment, including the effective dates; and

(iv) Advises you that your debarment is effective for covered transactions and contracts that are subject to the Federal Acquisition Regulation (48 CFR chapter 1), throughout the Executive Branch of the Federal Government unless an agency head or an authorized designee grants an exception.

Subpart I—Definitions

§ 417.930 Debarring official (USDA supplement to governmentwide definition at 2 CFR 180.930).

(a) Debarring official means an agency official who is authorized to impose debarment. The debarring official is either:

(1) The agency head; or

(2) An official designated by the agency head.

(b) The head of an organizational unit within USDA (*e.g.,* Administrator, Food and Nutrition Service), who has been delegated authority in 7 CFR part 2 to carry out a covered transaction, is delegated authority to act as the debarring official in connection with such transaction. This authority to act as a debarring official may not be redelegated below the head of the organizational unit, except that, in the case of the Forest Service, the Chief may redelegate the authority to act as a debarring official to the Deputy Chief for the National Forest System or an Associate Deputy Chief for the National Forest System.

§ 417.1010 Suspending official (USDA supplement to governmentwide definition at 2 CFR 180.1010).

(a) Suspending official means an agency official who is authorized to impose suspension. The suspending official is either:

(1) The agency head; or

(2) An official designated by the agency head.

(b) The head of an organizational unit within USDA (*e.g.,* Administrator, Food and Nutrition Service), who has been delegated authority in 7 CFR part 2 of this title to carry out a covered transaction, is delegated authority to act as the suspending official in connection with such transaction. This authority to act as a suspending official may not be redelegated below the head of the organizational unit, except that, in the case of the Forest Service, the Chief may redelegate the authority to act as a suspending official to the Deputy Chief for the National Forest System or an Associate Deputy Chief for the National Forest System.

Subpart J—[Reserved]

TITLE 7—AGRICULTURE

■ 2. Remove 7 CFR part 3017.

Dated: March 24, 2010.

Issued at Washington, DC.

Thomas J. Vilsack,

Secretary.

[FR Doc. 2010–11864 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–90–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS-2009-0098]

Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the emerald ash borer regulations by adding portions of Kentucky, Michigan, Minnesota, New York, Pennsylvania, Wisconsin, and the entire State of West Virginia to the list of quarantined areas. This action will restrict the interstate movement of regulated articles from areas in the States of Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin. This interim rule is necessary to prevent the artificial spread of the emerald ash borer to noninfested areas of the United States.

DATES: This interim rule is effective May 25, 2010. We will consider all comments that we receive on or before July 26, 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-2009-0098*) 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-2009-0098, 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-2009-0098.

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: Mr. Paul Chaloux, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1231; (301) 734-0917.

SUPPLEMENTARY INFORMATION:

Background

The emerald ash borer (EAB) (*Agrilus planipennis*) is a destructive wood-boring insect that attacks ash trees (*Fraxinus* spp., including green ash, white ash, black ash, and several horticultural varieties of ash). The insect, which is indigenous to Asia and known to occur in China, Korea, Japan, Mongolia, the Russian Far East, Taiwan, and Canada, eventually kills healthy ash trees after it bores beneath their bark and disrupts their vascular tissues.

Although EAB adults have been known to fly as much as one-half mile from one tree to the next, the pest can also spread when infested nursery trees,

logs, or firewood are transported from one region to the next. Ash trees are valuable to the commercial timber industry and are commonly planted in urban areas.

Quarantined Areas

The EAB regulations in 7 CFR 301.53-1 through 301.53-9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of EAB to noninfested areas of the United States. Portions of Illinois, Indiana, Minnesota, Michigan, Ohio, Pennsylvania, West Virginia, and Wisconsin have already been designated as quarantined areas.

Surveys conducted by inspectors of State, county, and city agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) have resulted in the detection of infestations of EAB in the States of Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin. Officials in each of those States (except West Virginia, which has opted to adopt a statewide quarantine) have quarantined the infested areas and, in some cases, neighboring areas to prevent the spread of EAB to noninfested areas. By establishing these quarantined areas, the States of Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin have restricted the intrastate movement of regulated articles from the quarantined areas. However, Federal regulations are necessary to restrict the interstate movement of regulated articles from the quarantined areas within those six States and from the entire State of West Virginia to prevent the spread of EAB to other States.

The regulations in § 301.53-3(a) provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, where EAB has been found by an inspector, where the Administrator has reason to believe that EAB is present, or where the Administrator considers regulation necessary because of its inseparability for quarantine enforcement purposes from localities where EAB has been found.

Less than an entire State will be designated as a quarantined area only under certain conditions. Such a designation may be made if the Administrator determines that: (1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles; and (2) the designation of less than an entire State as a quarantined area will be adequate to prevent the artificial spread of EAB.

In accordance with these criteria and the recent EAB findings described above, we are amending § 301.53-3(c) to add Boone, Bourbon, Campbell, Carroll, Fayette, Franklin, Gallatin, Grant, Greenup, Harrison, Henry, Jefferson, Jessamine, Kenton, Oldham, Owen, Pendleton, Scott, Shelby, Trimble, and Woodford Counties in Kentucky; Alger, Chippewa, and Luce Counties in Michigan; Hennepin and Ramsey Counties in Minnesota; Cattaraugus and Chautauqua Counties in New York; Armstrong, Indiana, Juniata, Washington, and Westmoreland Counties in Pennsylvania; the entire State of West Virginia; and Brown, Kenosha, Milwaukee, Racine, and Waukesha Counties in Wisconsin to the list of quarantined areas.

Emergency Action

This rulemaking is necessary on an emergency basis to help prevent the spread of EAB to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This interim rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

We are amending the EAB regulations by adding areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, and Wisconsin and the entire State of West Virginia to the list of areas quarantined because of EAB. As a result of this action, the interstate movement of regulated articles from those areas is restricted. This action is necessary to prevent the artificial spread of the EAB from infested areas in the States of Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin into noninfested areas of the United States.

We have prepared an economic analysis for this interim rule. The analysis, which considers the number and types of entities that are likely to be affected by this action and the potential economic effects on those entities, provides the basis for the Administrator's determination that the rule will not have a significant economic impact on a substantial number of small entities. The economic analysis may be viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov). Copies of the economic analysis are also available from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim 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 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75-15 issued under Sec. 204, Title II, Public Law 106-113, 113 Stat. 1501A-293; sections 301.75-15 and 301.75-16 issued under Sec. 203, Title II, Public Law 106-224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.53-3, paragraph (c) is amended as follows:

■ a. Under the heading Michigan, under Upper Peninsula, by revising the entry

for Chippewa County and by adding, in alphabetical order, entries for Alger County and Luce County to read as set forth below.

■ b. Under the heading Minnesota, by adding, in alphabetical order, entries for Hennepin County and Ramsey County to read as set forth below.

■ c. Under the heading Pennsylvania, by adding, in alphabetical order, entries for Armstrong County, Indiana County, Juniata County, Washington County, and Westmoreland County to read as set forth below.

■ d. Under the heading West Virginia, by removing the entry for Fayette County and adding the words "The entire State." in its place.

■ e. Under the heading Wisconsin, by adding, in alphabetical order, entries for Brown County, Kenosha County, Milwaukee County, Racine County, and Waukesha County to read as set forth below.

■ f. By adding, in alphabetical order, new entries for Kentucky and New York to read as set forth below.

§ 301.53-3 Quarantined areas.

* * * * *

(c) * * *

Kentucky

Boone County. The entire county.
Bourbon County. The entire county.
Campbell County. The entire county.
Carroll County. The entire county.
Fayette County. The entire county.
Franklin County. The entire county.
Gallatin County. The entire county.
Grant County. The entire county.
Greenup County. The entire county.
Harrison County. The entire county.
Henry County. The entire county.
Jefferson County. The entire county.
Jessamine County. The entire county.
Kenton County. The entire county.
Oldham County. The entire county.
Owen County. The entire county.
Pendleton County. The entire county.
Scott County. The entire county.
Shelby County. The entire county.
Trimble County. The entire county.
Woodford County. The entire county.

* * * * *

Michigan

Upper Peninsula:
Alger County. The entire county.
Chippewa County. The entire county. [Note: This quarantined area includes tribal land of the Bay Mills Indian Community. Movement of regulated articles on those lands is subject to tribal jurisdiction.]

* * * * *

Luce County. The entire county.

* * * * *

Minnesota

Hennepin County. The entire county.

* * * * *

Ramsey County. The entire county.

* * * * *

New York

Cattaraugus County. The entire county.

Chautauqua County. The entire county.

* * * * *

Pennsylvania

* * * * *

Armstrong County. The entire county.

* * * * *

Indiana County. The entire county.
Juniata County. The entire county.

* * * * *

Washington County. The entire county.

Westmoreland County. The entire county.

* * * * *

Wisconsin

Brown County. The entire county.

* * * * *

Kenosha County. The entire county.
Milwaukee County. The entire county.

* * * * *

Racine County. The entire county.

* * * * *

Waukesha County. The entire county.

Done in Washington, DC, this 19th day of May 2010.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–12533 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–34–S

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS-2010-0035]

Black Stem Rust; Additions of Rust-Resistant Varieties

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the black stem rust quarantine and regulations by adding 21 varieties to the list of rust-resistant *Berberis* species or cultivars and 2 varieties to the list of rust-resistant *Mahonia* species or cultivars in the regulations. This action will allow for the interstate movement of these newly developed varieties without unnecessary restrictions.

DATES: This rule will be effective on July 26, 2010, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before June 24, 2010. If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date.

ADDRESSES: You may submit comments or written notice of intent to submit adverse comments by either of the following methods:

- Federal eRulemaking Portal: Go to (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0035*) 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-2010-0035, 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-2010-0035.

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: Mr. Prakash K. Hebbar, National Program Manager, Black Stem/Barberry Rust Program, PPQ, APHIS, 4700 River Road Unit 26, Riverdale, MD 20737-1231; (301) 734-5717.

SUPPLEMENTARY INFORMATION:

Background

Black stem rust is one of the most destructive plant diseases of small grains that is known to exist in the United States. The disease is caused by a fungus that reduces the quality and yield of infected wheat, oat, barley, and rye crops. In addition to infecting small grains, the fungus lives on a variety of alternate host plants that are species of

the genera *Berberis*, *Mahoberberis*, and *Mahonia*. The fungus is spread from host to host by windborne spores.

The black stem rust quarantine and regulations, which are contained in 7 CFR 301.38 through 301.38-8 (referred to below as the regulations), quarantine the conterminous 48 States and the District of Columbia and govern the interstate movement of certain plants of the genera *Berberis*, *Mahoberberis*, and *Mahonia*, known as barberry plants. The species of these plants are categorized as either rust-resistant or rust-susceptible. Rust-resistant plants do not pose a risk of spreading black stem rust or of contributing to the development of new races of the rust; rust-susceptible plants do pose such risks. Section 301.38-2 of the regulations includes a listing of regulated articles and indicates those species and varieties of the genera *Berberis*, *Mahoberberis*, and *Mahonia* that are known to be rust-resistant. Although rust-resistant species are included as regulated articles, they may be moved into or through protected areas if accompanied by a certificate. In accordance with the procedures described below under "Dates," this direct final rule will add *B. media* 'Dual Jewel' and the *B. thunbergii* cultivars 'Ada', 'Amera', 'Arlene', 'Benita', 'Breval 8', 'Celeste', 'Chloe', 'Edda', 'Fay', 'Gail', 'Golden Torch', 'Helen', 'Joyce', 'Kasia', 'Koren', 'Lotty', 'Martha', 'Mimi', 'Phoebe', and 'Ruth' to the list of rust-resistant *Berberis* species in § 301.38-2(a)(1). Similarly, this rule will add the *Mahonia* cultivars 'Bokasio' Sioux and 'Bokrafoot' Blackfoot to the list of rust-resistant *Mahonia* species in § 301.38-2(a)(2)(ii).

The addition of those species is based on recent testing to determine rust resistance conducted by the Agricultural Research Service of the United States Department of Agriculture (USDA) at its Cereal Rust Laboratory in St. Paul, MN. The testing is performed in the following manner: In a greenhouse, the suspect plant or test subject is placed under a screen with a control plant—a known rust-susceptible species of *Berberis*, *Mahoberberis*, or *Mahonia*. Infected wheat stems, a primary host of black stem rust, are placed on top of the screen. The plants are moistened and maintained in 100 percent humidity. This causes the spores to swell and fall on the plants lying under the screen. The plants are then observed for 7 days at 20-80 percent relative humidity. If the rust-susceptible plant shows signs of infection after 7 days and the test plants do not, the test results indicate that the test plants are rust-resistant. This test must be performed 12 times, and all 12 tests must yield the same result before USDA can make a determination as to whether the test plants are rust-resistant. The test may be conducted on 12 individual plants, or it may be performed multiple times on fewer plants (e.g., six plants tested twice or three plants tested four times). The tests must be performed on new growth, just as the leaves are unfolding. Therefore, the tests are usually conducted in the spring or fall, during the growing season. All 12 tests generally cannot be conducted on the same day because of the plants' different growth stages. Based on over 30 years of experience with this test, we believe that 12 is the reliable test sample size on which USDA can make its determination. We do not know of any plant that was subsequently discovered to be rust-susceptible after undergoing the test procedure 12 times and being determined by USDA to be rust-resistant.

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, on July 26, 2010, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before June 24, 2010.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment.

As discussed above, if we receive no written adverse comments or written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a document in the **Federal Register**, before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule is subject to Executive Order 12866. However, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This analysis provides the basis, as required by the Regulatory Flexibility Act, for certification by the APHIS Administrator that the rule will not have a significant economic impact on a substantial number of small entities.

This direct final rule will amend 7 CFR 301.38-2 by adding 21 varieties to the list of rust-resistant *Berberis* species or cultivars and by adding 2 varieties to the list of rust-resistant *Mahonia* species or cultivars. The nursery and floriculture industries that may be affected by this rule are largely composed of small entities. We expect these entities to benefit from the rule, by being able to market interstate barberry species and cultivars that have been determined to be rust-resistant.

The introduction and spread of plant pests can result in damage to crops and losses to the U.S. agricultural sector. For the purpose of this analysis and following the Small Business Administration (SBA) guidelines, we note that a major segment of entities potentially affected by this rule are classified within the following industries: Nursery and Tree Production (NAICS 111421), and Floriculture Production (NAICS 111422). According to the Census of Agriculture, these two categories included 52,845 farms in 2007, and represented 3 percent of all farms in the United States. These entities are considered small by SBA standards if their annual sales are $750,000 or less. Over 93 percent of the farms in these industries had annual sales of less than $500,000. Barberry plants are not one of the crops tracked by the Census and therefore data on production and number of producers are not available. Nurseries producing barberry plant species and cultivars will not be negatively affected. In fact, they will benefit from being able to market the 23 varieties interstate. In addition, the rule does not require any additional reporting, recordingkeeping, or other compliance measures beyond what is already in place.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice

Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no 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 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75-15 issued under Sec. 204, Title II, Public Law 106-113, 113 Stat. 1501A-293; sections 301.75-15 and 301.75-16 issued under Sec. 203, Title II, Public Law 106-224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. Section 301.38-2 is amended as follows:

■ a. In paragraph (a)(1), by adding, in alphabetical order, 21 rust-resistant *Berberis* species to read as set forth below.

■ b. In paragraph (a)(2)(ii), by adding, in alphabetical order, 2 rust-resistant *Mahonia* species to read as set forth below.

§ 301-38-2 Regulated articles.

(a) * * *

(1) * * *

* * * * *

B. media 'Dual Jewel'

* * * * *

B. thunbergii 'Ada'

* * * * *

B. thunbergii 'Amera'

* * * * *

B. thunbergii 'Arlene'

* * * * *

B. thunbergii 'Benita'

* * * * *

B. thunbergii 'Breval 8'

B. thunbergii 'Celeste'

B. thunbergii 'Chloe'

* * * * *

B. thunbergii 'Edda'

* * * * *

B. thunbergii 'Fay'

* * * * *

B. thunbergii 'Gail'

* * * * *

B. thunbergii 'Golden Torch'

* * * * *

B. thunbergii 'Helen'

* * * * *

B. thunbergii 'Joyce'

B. thunbergii 'Kasia'

* * * * *

B. thunbergii 'Koren'

* * * * *

B. thunbergii 'Lotty'

* * * * *

B. thunbergii 'Martha'

* * * * *

B. thunbergii 'Mimi'

* * * * *

B. thunbergii 'Phoebe'

* * * * *

B. thunbergii 'Ruth'

* * * * *

(2) * * *

(ii) * * *

* * * * *

M. 'Bokasio' Sioux

M. 'Bokrafoot' Blackfoot

* * * * *

Done in Washington, DC, this 19th day of May 2010.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–12529 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–34–S

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS GRAVELY (DDG 107) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective May 25, 2010 and is applicable beginning May 17, 2010.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Ted Cook, JAGC, U.S. Navy, Admiralty Attorney (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone number: 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706.

This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS GRAVELY (DDG 107) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights; Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 3(c), pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended as follows:

■ A. In Table Four, Paragraph 15 by adding, in alphanumerical order, by vessel number, an entry for USS GRAVELY (DDG 107);

■ B. In Table Four, Paragraph 16 by adding, in alphanumerical order, by vessel number, an entry for USS GRAVELY (DDG 107); and

■ C. In Table Five, by adding, in alphanumerical order, by vessel number, an entry for USS GRAVELY (DDG 107):

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FOUR PARAGRAPH 15

Vessel	Number	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
* * *	* * *	*
USS GRAVELY	DDG 107	1.83 meters.
* * *	* * *	*

* * * * *

TABLE FOUR PARAGRAPH 16

Vessel	Number	Obstruction angle relative ship's headings
* * *	* * *	*
USS GRAVELY	DDG 107	108.66 thru 112.50 [degrees].
* * *	* * *	*

* * * * *

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. 3(a)	Percentage horizontal separation attained
* * *	*	*	*	*	*
USS GRAVELY	DDG 107	X	X	X	14.6
* * *	*	*	*	*	*

* * * * *

Approved: May 17, 2010.

M. Robb Hyde,

Commander, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law).

[FR Doc. 2010–12526 Filed 5–24–10; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1102]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov*.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: St. Clair ...	Unincorporated areas of St. Clair County (09–04–6331P).	December 24, 2009; December 31, 2009; *The St. Clair News-Aegis*.	Mr. Stanley Batemon, Chairman, St. Clair County Commission, 165 5th Avenue, Suite 100, Ashville, AL 35953.	April 30, 2010	010290
Arizona:.					
Pima	Town of Marana (09–09–0980P).	September 21, 2009; September 28, 2009; *Daily Territorial*.	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	January 26, 2010	040118
Pima	Town of Marana (08–09–1811P).	October 9, 2009; October 16, 2009; *Daily Territorial*.	The Honorable Ed Honea, Mayor, Town of Marana, 11555 West Civic Center Drive, Marana, AZ 85653.	January 19, 2010	040118
Pima	Town of Oro Valley (08–09–1811P).	October 9, 2009; October 16, 2009; *Daily Territorial*.	The Honorable Paul H. Loomis, Mayor, Town of Oro Valley, 11000 North La Canada Drive, Oro Valley, AZ 85737.	January 19, 2010	040109

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Pima	Unincorporated areas of Pima County (08–09–1811P).	October 9, 2009; October 16, 2009; *Daily Territorial*.	The Honorable Richard Elias, Chairman, Pima County Board of Supervisors, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	January 19, 2010	040073
Yuma	Unincorporated areas of Yuma County (09–09–1722P).	December 21, 2009; December 28, 2009; *Yuma Sun*.	The Honorable Gregory S. Ferguson, Chairman, Yuma County Board of Supervisors, 198 South Main Street, Yuma, AZ 85364.	December 7, 2009	040099
Arkansas:					
Benton	Town of Bethel Heights (09–06–1075P).	January 6, 2010; January 13, 2010; *Arkansas Democrat-Gazette*.	The Honorable Fred Jack, Mayor, Town of Bethel Heights, 530 Sunrise Drive, Bethel Heights, AR 72764.	May 13, 2010	050386
Benton	City of Lowell (09–06–1075P).	January 6, 2010; January 13, 2010; *Arkansas Democrat-Gazette*.	The Honorable Perry Long, Mayor, City of Lowell, 216 North Lincoln Street, Lowell, AR 72745.	May 13, 2010	050342
California: Santa Clara.	City of San Jose (10–09–0251P).	January 5, 2010; January 12, 2010; *San Jose Mercury News*.	The Honorable Chuck Reed, Mayor, City of San Jose, 200 East Santa Clara Street, San Jose, CA 95113.	December 29, 2009	060349
Florida:					
Hillsborough	Unincorporated areas of Hillsborough County (09–04–6011P).	January 4, 2010; January 11, 2010; *Tampa Tribune*.	The Honorable Ken Hagan, Chairman, Hillsborough County Board of Commissioners, P.O. Box 1110, Tampa, FL 33601.	January 22, 2010	120112
Lake	Unincorporated areas of Lake County (09–04–4297P).	January 4, 2010; January 11, 2010; *Daily Commercial*.	The Honorable Welton G. Cadwell, Chairman, Lake County Board of Commissioners, P.O. Box 7800, Tavares, FL 32778.	May 11, 2010	120421
Illinois:					
Kane	City of Elgin (09–05–2958P).	December 29, 2009; January 5, 2010; *Courier News*.	The Honorable Edward Schock, Mayor, City of Elgin, 150 Dexter Court, Elgin, IL 60120.	May 5, 2010	170087
Kane	Village of Hampshire (09–05–2792P).	December 22, 2009; December 29, 2009; *Kane County Chronicle*.	The Honorable Jeffrey Magnussen, President, Village of Hampshire, P.O. Box 457, Hampshire, IL 60140.	April 28, 2010	170327
Kane	Unincorporated areas of Kane County (09–05–2792P).	December 22, 2009; December 29, 2009; *Kane County Chronicle*.	The Honorable Karen McConnaughay, Chairman, Kane County Board of Commissioners, 719 South Batavia Avenue, Geneva, IL 60134.	April 28, 2010	170896
Sedgwick	City of Park City (09–07–1605P).	January 4, 2010; January 11, 2010; *Wichita Eagle*.	The Honorable Emil Bergquist, Mayor, City of Park City, 6110 North Hydraulic Street, Park City, KS 67219.	May 11, 2010	200963
Sedgwick	Unincorporated areas of Sedgwick County (09–07–1605P).	January 4, 2010; January 11, 2010; *Wichita Eagle*.	The Honorable Kelly Parks, Chairman, Sedgwick County Board of Commissioners, 525 North Main Street, Suite 320, Wichita, KS 67203.	May 11, 2010	200321
Louisiana: Caddo	City of Shreveport (09–06–2855P).	January 4, 2010; January 11, 2010; *The Times*.	The Honorable Cedric Glover, Mayor, City of Shreveport, 505 Travis Street, Shreveport, LA 71101.	May 11, 2010	220036
Ohio:					
Lucas	City of Toledo (09–05–5298P).	January 6, 2010; January 13, 2010; *Toledo Blade*.	The Honorable Carleton S. Finkbeiner, Mayor, City of Toledo, 1 Government Center, 640 Jackson, Suite 2200, Toledo, OH 43604.	December 29, 2009	395373
Miami	City of Troy (09–05–3442P).	December 14, 2009; December 21, 2009; *Troy Daily News*.	The Honorable Michael Beamish, Mayor, City of Troy, 100 South Market Street, Troy, OH 45373.	December 30, 2009	390402
Montgomery	City of Moraine (08–05–1380P).	December 9, 2009; December 16, 2009; *Dayton Daily News*.	The Honorable Roger Mathney, Mayor, City of Moraine, 4200 Dryden Road, Moraine, OH 45439.	April 15, 2010	390414
Montgomery	City of West Carrollton (08–05–1380P).	December 9, 2009; December 16, 2009; *Dayton Daily News*.	The Honorable Jeffery W. Sanner, Mayor, City of West Carrollton, 300 East Central Avenue, West Carrollton, OH 45449.	April 15, 2010	390419
Oklahoma:					
Tulsa	City of Glenpool (09–06–0482P).	January 7, 2010; January 14, 2010; *Tulsa Daily Commerce & Legal News*.	The Honorable Shayne Buchanan, Mayor, City of Glenpool, P.O. Box 70, Glenpool, OK 74033.	December 30, 2009	400208
Tulsa	Unincorporated areas of Tulsa County (09–06–0482P).	January 7, 2010; January 14, 2010; *Tulsa Daily Commerce & Legal News*.	The Honorable Karen Keith, Tulsa County Board of Commissioners, 500 South Denver Avenue, Tulsa, OK 74103.	December 30, 2009	400462
Pennsylvania:					
Chester	Borough of West Chester (09–03–1120P).	January 4, 2010; January 11, 2010; *Daily Local News*.	The Honorable Dick B. Yoder, Mayor, Borough of West Chester, 401 East Gay Street, West Chester, PA 19380.	December 24, 2009	420292
Northampton	City of Bethlehem (09–03–1764P).	December 31, 2009; January 7, 2010; *Express-Times*.	The Honorable John B. Callahan, Mayor, City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018.	December 22, 2009	420718
Tennessee: Wilson	City of Lebanon (10–04–0682P).	January 8, 2010; January 15, 2010; *Lebanon Democrat*.	The Honorable Philip Craighead, Mayor, City of Lebanon, 200 North Castle Heights Avenue, Suite 100, Lebanon, TN 37087.	May 17, 2010	470208

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas:					
Brazoria	City of Angleton (08–06–2457P).	June 8, 2009; June 15, 2009; *The Facts*.	The Honorable J. Patrick Henry, Mayor, City of Angleton, 121 South Velasco Street, Angleton, TX 77515.	October 13, 2009	480064
Collin	City of Frisco (09–06–2567P).	January 8, 2010; January 15, 2010; *Frisco Enterprise*.	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	May 17, 2010	480134
Denton	City of Lewisville (09–06–0314P).	December 30, 2009; January 6, 2010; *Lewisville Leader*.	The Honorable Dean Ueckert, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, TX 75029.	May 6, 2010	480195
Lubbock	City of Lubbock (08–06–2706P).	January 4, 2010; January 11, 2010; *Lubbock Avalanche-Journal*.	The Honorable Tom Martin, Mayor, City of Lubbock, P.O. Box 2000, Lubbock, TX 79457.	May 11, 2010	480452
Travis	City of Austin (09–06–2275P).	January 8, 2010; January 15, 2010; *Austin American Statesman*.	The Honorable Lee Leffingwell, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	May 17, 2010	480624
Virginia: City of Newport News.	City of Newport News (09–03–1019P).	December 24, 2009; December 31, 2009; *Daily Press*.	The Honorable Joe S. Frank, Mayor, City of Newport News, 2400 Washington Avenue, Newport News, VA 23607.	April 30, 2010	510103
Wyoming:					
Campbell	Unincorporated areas of Campbell County (09–08–0286P).	January 4, 2010; January 11, 2010; *The News-Record*.	The Honorable Dan Coolidge, Chairman, Campbell County Board of Commissioners, 901 Fairway Drive, Gillette, WY 82718.	May 11, 2010	560081
Campbell	City of Gillette (09–08–0286P).	January 4, 2010; January 11, 2010; *The News-Record*.	The Honorable Duane Evenson, Mayor, City of Gillette, 1411 West 4th Street, Gillette, WY 82716.	May 11, 2010	560007

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 30, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12475 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1099]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Pima	Town of Oro Valley (08–09–1800P).	December 11, 2009, December 18, 2009, *Daily Territorial*.	The Honorable Paul H. Loomis, Mayor, Town of Oro Valley, 11000 North La Canada Drive, Oro Valley, AZ 85737.	April 19, 2010	040109
Pima	City of Tucson (09–09–0492P).	December 9, 2009, December 16, 2009, *Arizona Daily Star*.	The Honorable Bob Walkup, Mayor, City of Tucson, P.O. Box 27210, Tucson, AZ 85726.	April 15, 2010	040076
Arkansas:					
St. Francis	City of Forrest City (09–06–1699P).	December 9, 2009, December 16, 2009, *Forrest City Times-Herald*.	The Honorable Gordon McCoy, Mayor, City of Forrest City, 224 North Rosser Street, Forrest City, AR 72335.	April 15, 2010	050187
St. Francis	Unincorporated areas of St. Francis County (09–06–1699P).	December 9, 2009, December 16, 2009, *Forrest City Times-Herald*.	The Honorable Gary Hughes, Judge, St. Francis County, 313 South Izard Street, Forrest City, AR 72335.	April 15, 2010	050184
California: Contra Costa.	City of Concord (09–09–1576P).	December 4, 2009, December 11, 2009, *Contra Costa Times*.	The Honorable Laura M. Hoffmeister, Mayor, City of Concord, 1950 Parkside Drive, MS/01, Concord, CA 94519.	April 12, 2010	065022
Colorado: El Paso	City of Colorado Springs (09–08–0730P).	December 23, 2009, December 30, 2009, *The Gazette*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	April 29, 2010	080060
Florida: Sarasota	City of Sarasota (09–04–6869P).	December 9, 2009, December 16, 2009, *Sarasota Herald-Tribune*.	The Honorable Richard Clapp, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	April 15, 2010	125150
Idaho:					
Canyon	Unincorporated areas of Canyon County (09–10–0166P).	December 3, 2009, December 10, 2009, *Idaho Press-Tribune*.	The Honorable Kathryn Alder, Chairperson, Canyon County Board of Commissioners, 1115 Albany Street, Caldwell, ID 83605.	December 29, 2009	160208
Canyon	City of Nampa (09–10–0166P).	December 3, 2009, December 10, 2009, *Idaho Press-Tribune*.	The Honorable Tom Dale, Mayor, City of Nampa, 411 3rd Street South, Nampa, ID 83651.	December 29, 2009	160038
Ohio:					
Lucas	Unincorporated areas of Lucas County (09–05–4565P).	December 2, 2009, December 9, 2009, *Toledo Blade*.	The Honorable Pete Gerken, Chairman, Lucas County Board of Commissioners, 1 Government Center, Suite 800, Toledo, OH 43604.	November 20, 2009	390359
Lucas	City of Toledo (09–05–4565P).	December 2, 2009, December 9, 2009, *Toledo Blade*.	The Honorable Carleton S. Finkbeiner, Mayor, City of Toledo, 1 Government Center, 640 Jackson Street, Suite 2200, Toledo, OH 43604.	November 20, 2009	395373
South Carolina: York	Unincorporated areas of York County (09–04–4239P).	December 3, 2009, December 10, 2009, *The Herald*.	The Honorable Houston O. "Buddy" Motz, Chairman, York County Council, 2047 Poinsett Drive, Rock Hill, SC 29732.	November 20, 2009	450193
Texas:					
Dallas	Unincorporated areas of Dallas County (09–06–2480P).	December 4, 2009, December 11, 2009, *Dallas Morning News*.	The Honorable Jim Foster, Dallas County Judge, 411 Elm Street, Suite 210, Dallas, TX 75202.	December 21, 2009	480165
Dallas	City of Wilmer (09–06–2480P).	December 4, 2009, December 11, 2009, *Dallas Morning News*.	The Honorable Jeffery Steele, Mayor, City of Wilmer, 128 North Dallas Avenue, Wilmer, TX 75172.	December 21, 2009	480190
Fort Bend	City of Sugar Land (10–06–0050P).	November 26, 2009, December 3, 2009, *Fort Bend Sun*.	The Honorable James A. Thompson, Mayor, City of Sugar Land, P.O. Box 110, Sugar Land, TX 77487.	April 2, 2010	480234
Fort Bend	First Colony L.I.D. (10–06–0050P).	November 26, 2009, December 3, 2009, *Fort Bend Sun*.	Mr. Gary Knapp, Board president, First Colony L.I.D., c/o Allen Boone Humphries Robinson, LLP, 3200 Southwest Freeway, Suite 2600, Houston, TX 77027.	April 2, 2010	481583
Fort Bend	Unincorporated areas of Fort Bend County (10–06–0050P).	November 26, 2009, December 3, 2009, *Fort Bend Sun*.	The Honorable Robert E. Hebert, PhD, Fort Bend County Judge, 301 Jackson Street, Richmond, TX 77469.	April 2, 2010	480228

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Fort Bend	Unincorporated areas of Fort Bend County (09–06–0987P).	December 3, 2009, December 10, 2009, *Fort Bend Sun.*	The Honorable Robert E. Hebert, Ph.D., Fort Bend County Judge, 301 Jackson Street, Richmond, TX 77469.	April 9, 2010	480228
Fort Bend	City of Missouri City, (09–06–0987P).	December 3, 2009, December 10, 2009, *Fort Bend Sun.*	The Honorable Allen Owen, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri, TX 77489.	April 9, 2009	480304
Harris	City of Pasadena (09–06–2867P).	December 2, 2009, December 9, 2009, *Pasadena Citizen.*	The Honorable John Isbell, Mayor, City of Pasadena, 1211 Southmore Avenue, Pasadena, TX 77502.	November 30, 2009	480307
Utah: Washington	City of St. George (09–08–0868P).	December 4, 2009, December 11, 2009, *The Spectrum.*	The Honorable Daniel D. McArthur, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	April 12, 2010	490177

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 30, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12477 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1121]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Madison ...	Unincorporated areas of Madison County, (09–04–6850P).	February 12, 2010; February 19, 2010; *Madison County Record*.	The Honorable Mike Gillespie, Chairman, Madison County Commission, Courthouse 700, 100 Northside Square, Huntsville, AL 35801.	June 21, 2010	010151
Arkansas: Crawford	City of Alma, (09–06–2913P).	February 10, 2010; February 17, 2010; *Alma Journal*.	The Honorable John R. Ballentine, Mayor, City of Alma, 804 Fayetteville Avenue, Alma, AR 72921.	January 28, 2010	050236
Colorado:					
Arapahoe	City of Englewood, (10–08–0001P).	February 25, 2010; March 5, 2010; *The Denver Post*.	The Honorable Jim Woodward, Mayor, City of Englewood, 1000 Englewood Parkway, Englewood, CO 80110.	February 18, 2010	085074
Arapahoe	City of Sheridan, (10–08–0001P).	February 25, 2010; March 5, 2010; *The Denver Post*.	The Honorable Dallas Hall, Mayor, City of Sheridan, 4101 South Federal Boulevard, Sheridan, CO 80110.	February 18, 2010	080018
Eagle	Unincorporated areas of Eagle County, (09–08–0907P).	January 28, 2010; February 4, 2010; *The Eagle Valley Enterprise*.	The Honorable Peter Runyon, Chairman, Eagle County Board of Commissioners, P.O. Box 850, Eagle, CO 81631.	June 4, 2010	080051
Larimer	City of Fort Collins, (09–08–0465P).	February 8, 2010; February 15, 2010; *Fort Collins Coloradoan*.	The Honorable Doug Hutchinson, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522.	February 24, 2010	080102
Larimer	Unincorporated areas of Larimer County, (09–08–0465P).	February 8, 2010; February 15, 2010; *Fort Collins Coloradoan*.	The Honorable Steve Johnson, Chair Pro Tem, Larimer County Board of Commissioners, P.O. Box 1190, Fort Collins, CO 80522.	February 24, 2010	080101
Florida:					
Collier	City of Marco Island, (09–04–7821P).	February 19, 2010; February 26, 2010; *Naples Daily News*.	Mr. Stephen T. Thompson, City Manager, City of Marco Island, 50 Bald Eagle Drive, Marco Island, FL 34145.	February 9, 2010	120426
Lee	City of Bonita Springs, (09–04–3113P).	February 10, 2010; February 17, 2010; *Fort Myers News-Press*.	The Honorable Ben L. Nelson, Jr., Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	June 17, 2010	120680
Orange	Unincorporated areas of Orange County, (09–04–6911P).	January 28, 2010; February 4, 2010; *Orlando Weekly*.	The Honorable Richard T. Crotty, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	January 19, 2010	120179
Polk	Unincorporated areas of Polk County, (09–04–5686P).	February 10, 2010; February 17, 2010; *The Polk County Democrat*.	The Honorable Bob English, Chairman, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	June 17, 2010	120261
Georgia: Douglas	Unincorporated areas of Douglas County, (09–04–6891P).	February 5, 2010; February 12, 2010; *Douglas County Sentinel*.	The Honorable Tom Worthan, Chairman, Douglas County Board of Commissioners, 8700 Hospital Drive, Douglasville, GA 30134.	June 14, 2010	130306
Kentucky: Lexington-Fayette Urban County Government.	Lexington-Fayette Urban County Government, (09–04–2657P).	February 12, 2010; February 19, 2010; *Lexington Herald-Leader*.	The Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County, Government, 200 East Main Street, Lexington, KY 40507.	June 21, 2010	210067
Missouri:					
Cass	City of Peculiar, (09–07–1059P).	February 11, 2010; February 18, 2010; *The Journal*.	The Honorable Ernie Jungmeyer, Mayor, City of Peculiar, 908 Kendall Road, Peculiar, MO 64078.	June 18, 2010	290878
Cass	Unincorporated areas of Cass County, (09–07–1059P).	February 11, 2010; February 18, 2010; *The Journal*.	The Honorable Gary Mallory, Presiding Commissioner, Cass County Commission, 102 East Wall Street, Harrisonville, MO 64701.	June 18, 2010	290783
New Mexico: Dona Ana.	City of Las Cruces, (09–06–0638P).	February 5, 2010; February 12, 2010; *Las Cruces Sun-News*.	The Honorable Ken Miyagishima, Mayor, City of Las Cruces, P.O. Box 20000, Las Cruces, NM 88004.	June 14, 2010	355332
North Carolina:					
Cumberland	City of Fayetteville, (09–04–2351P).	February 5, 2010; February 12, 2010; *Fayetteville Observer*.	The Honorable Anthony G. Chavonne, Mayor, City of Fayetteville, 433 Hay Street, Fayetteville, NC 28301.	June 14, 2010	370077
Durham	City of Durham, (09–04–4161P).	February 5, 2010; February 12, 2010; *The Herald-Sun*.	The Honorable William V. Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	January 29, 2010	370086
Wake	Town of Cary, (09–04–4769P).	February 24, 2010; March 3, 2010; *The Cary News* and *The News & Observer*.	The Honorable Harold Weinbrecht, Mayor, Town of Cary, P.O. Box 8005, Cary, NC 27512.	July 1, 2010	370238
Wake	Town of Morrisville, (09–04–4769P).	February 24, 2010; March 3, 2010; *The News & Observer*.	The Honorable Jan Faulkner, Mayor, Town of Morrisville, 100 Town Hall Drive, Morrisville, NC 27560.	July 1, 2010	370242
Oregon: Linn	City of Millersburg, (09–10–0354P).	February 26, 2010; March 5, 2010; *Democrat-Herald*.	The Honorable Clayton Wood, Mayor, City of Millersburg, 4222 Northeast Old Salem Road, Albany, OR 97321.	July 2, 2010	410284
Pennsylvania: Chester.	Township of West Whiteland, (09–03–1797P).	January 29, 2010; February 5, 2010; *Daily Local News*.	The Honorable Diane Snyder, Chairman, West Whiteland Township Board of Supervisors, 101 Commerce Drive, Exton, PA 19341.	January 21, 2010	420295
Tennessee:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Hamilton	City of Chattanooga, (09–04–3516P).	February 12, 2010; February 19, 2010; *Chattanooga Times Free Press*.	The Honorable Ron Littlefield, Mayor, City of Chattanooga, 101 East 11th Street, Chattanooga, TN 37402.	January 29, 2010	470072
Maury	City of Spring Hill, (09–04–2487P).	January 29, 2010, February 5, 2010, *The Daily Herald*.	The Honorable Michael Dinwiddie, Mayor, City of Spring Hill, P.O. Box 789, Spring Hill, TN 37174.	February 19, 2010	470278
Texas:					
Denton	City of Fort Worth, (09–06–2866P).	December 14, 2009; December 21, 2009; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	April 20, 2010	480596
Tarrant	City of North Richland Hills, (09–06–0903P).	December 14, 2009; December 21, 2009; *Star-Telegram*.	The Honorable T. Oscar Trevino, Jr., P.E., Mayor, City of North Richland Hills, 7301 Northeast Loop 820, North Richland Hills, TX 76180.	December 30, 2009	480607
Utah: Weber	City of Ogden, (09–08–0583P).	February 12, 2010; February 19, 2010; *Standard-Examiner*.	The Honorable Matthew R. Godfrey, Mayor, City of Ogden, 2549 Washington Boulevard, Suite 910, Ogden, UT 84401.	June 21, 2010	490189
Washington:					
King	City of Snoqualmie, (08–10–0665P).	February 5, 2010; February 12, 2010; *The Seattle Times*.	The Honorable Matt Larson, Mayor, City of Snoqualmie, P.O. Box 987, Snoqualmie, WA 98065.	February 26, 2010	530090
King	Unincorporated areas of King County, (08–10–0665P).	February 5, 2010; February 12, 2010; *The Seattle Times*.	The Honorable Dow Constantine, Chairman, King County Board of Commissioners, 516 3rd Avenue, Room 1200, Seattle, WA 98104.	February 26, 2010	530071
Wisconsin: Waukesha.	Village of Elm Grove, (09–05–5085P).	January 14, 2010; January 21, 2010; *Waukesha Freeman*.	The Honorable Neil Palmer, President, Village of Elm Grove, 13600 Juneau Boulevard, Elm Grove, WI 53122.	February 5, 2010	550578
Wyoming: Natrona	City of Casper, (08–08–0742P).	February 11, 2010; February 18, 2010; *Casper Star-Tribune*.	The Honorable Kenyne Schlager, Mayor, City of Casper, 200 North David Street, Casper, WY 82601.	June 18, 2010	560037

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 30, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12485 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator of FEMA has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood

insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Shelby (FEMA Docket No: B–1067).	City of Montevallo (08–04–6211P).	June 11, 2009; June 18, 2009; *The Birmingham News*.	The Honorable Ben McCrory, Mayor, City of Montevallo, 545 Main Street, Montevallo, AL 35115.	October 16, 2009	010349
California:					
San Bernardino (FEMA Docket No: B–1067).	City of Redlands (09–09–0076P).	June 11, 2009; June 18, 2009; *Redlands Daily Facts*.	The Honorable Jon Harrison, Mayor, City of Redlands, 35 Cajon Street, Suite 200, Redlands, CA 92373.	May 29, 2009	060279
San Diego (FEMA Docket No: B–1067).	City of San Diego (09–09–0194P).	June 10, 2009; June 17, 2009; *San Diego Transcript*.	The Honorable Jerry Sanders, Mayor, San Diego County, 11th Floor, 202 C Street, San Diego, CA 92101.	October 15, 2009	060295
San Diego (FEMA Docket No: B–1067).	Unincorporated areas of San Diego County (09–09–0374P).	June 17, 2009; June 24, 2009; *San Diego Transcript*.	The Honorable Dianne Jacob, Chairwoman, San Diego County Board of, Supervisors, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	October 22, 2009	060284
Ventura (FEMA Docket No: B–1067).	City of Oxnard (09–09–1399P).	June 11, 2009; June 18, 2009; *Ventura Star*.	The Honorable Thomas Holden, Mayor, City of Oxnard, 300 West 3rd Street, Oxnard, CA 93030.	May 29, 2009	060417
Colorado:					
Adams & Arapahoe (FEMA Docket No: B–1067).	City of Aurora (09–08–0361P).	June 11, 2009; June 18, 2009; *Aurora Sentinel*.	The Honorable Ed Tauer, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	October 16, 2009	080002
Arapahoe (FEMA Docket No: B–1070).	City of Aurora (09–08–0620P).	July 2, 2009; July 9, 2009; *Aurora Sentinel*.	The Honorable Ed Tauer, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	June 23, 2009	080002
Arapahoe (FEMA Docket No: B–1070).	City of Sheridan (09–08–0267P).	June 12, 2009; June 19, 2009; *Englewood Herald*.	The Honorable Mary Carter, Mayor, City of Sheridan, 4101 South Federal Boulevard, Sheridan, CO 80110.	October 19, 2009	080018
Denver (FEMA Docket No: B–1070).	City and County of Denver (09–08–0620P).	July 2, 2009; July 9, 2009; *Denver Post*.	The Honorable John W. Hickenlooper, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	June 23, 2009	080046
Douglas (FEMA Docket No: B–1067).	Unincorporated areas of Douglas County (09–08–0431P).	May 21, 2009; May 28, 2009; *Douglas County News-Press*.	The Honorable Jack Hilbert, Chairman, Douglas County Board of, Commissioners, 100 3rd Street, Castle Rock, CO 80104.	September 25, 2009	080049
Douglas (FEMA Docket No: B–1067).	Town of Parker (09–08–0431P).	May 21, 2009; May 28, 2009; *Douglas County News-Press*.	The Honorable David Casiano, Mayor, Town of Parker, 20120 East Main Street, Parker, CO 80138.	September 25, 2009	080310
Summit (FEMA Docket No: B–1067).	Town of Silverthorne (08–08–0785P).	June 5, 2009; June 12, 2009; *Summit County Journal*.	The Honorable David Koop, Mayor, Town of Silverthorne, P.O. Box 1309, Silverthorne, CO 80498.	May 22, 2009	080201
Connecticut:					
Hartford (FEMA Docket No: B–1067).	Town of Farmington (09–01–0125P).	March 23, 2009; March 30, 2009; *The Hartford Courant*.	The Honorable Michael Clark, Chair, Town of Farmington Council, One Monteith Drive, Farmington, CT 06032.	July 28, 2009	090029
New Haven (FEMA Docket No: B–1067).	Town of Branford (09–01–0507P).	June 11, 2009; June 18, 2009; *Branford Sound*.	The Honorable Anthony DaRos, First Selectman, Town of Branford, P.O. Box 150, Branford, CT 06405.	May 29, 2009	090073
Delaware: New Castle (FEMA Docket No: B–1067).	Unincorporated areas of New Castle County (09–03–0923P).	June 9, 2009; June 16, 2009; *The News Journal*.	Mr. Christopher Coons, New Castle County Executive, 87 Reads Way Corporate Commons, New Castle, DE 19720.	October 13, 2009	105085

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida:					
Lee (FEMA Docket No: B–1067).	Unincorporated areas of Lee County (09–04–3111P).	June 8, 2009; June 15, 2009; *Fort Myers News-Press*.	The Honorable Ray Judah, Chairman, Lee County Board, of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	May 27, 2009	125124
Marion (FEMA Docket No: B–1070).	City of Ocala (09–04–0503P).	June 25, 2009; July 2, 2009; *Star Banner*.	The Honorable Randy Ewers, Mayor, City of Ocala, P.O. Box 1270, Ocala, FL 34478.	June 12, 2009	120330
Orange (FEMA Docket No: B–1070).	City of Orlando (09–04–3112P).	July 9, 2009; July 16, 2009; *Orlando Weekly*.	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32802.	September 28, 2009	120186
Sumter (FEMA Docket No: B–1070).	Unincorporated areas of Sumter County (09–04–3548P).	July 9, 2009; July 16, 2009; *Sumter County Times*.	The Honorable Richard Hoffman, Commissioner, District One, Sumter County Board of Commissioners, 910 North Main Street, Bushnell, FL 33513.	June 30, 2009	120296
Georgia:					
Columbia (FEMA Docket No: B–1067).	Unincorporated areas of Columbia County (09–04–2902P).	June 14, 2009; June 21, 2009; *Columbia County News-Times*.	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	May 29, 2009	130059
Columbia (FEMA Docket No: B–1067).	City of Grovetown (09–04–2902P).	June 14, 2009; June 21, 2009; *Columbia County News-Times*.	The Honorable George W. James III, Mayor, City of Grovetown, 201 Williams Street, Grovetown, GA 30813.	May 29, 2009	130265
Canyon (FEMA Docket No: B–1067).	Unincorporated areas of Canyon County (08–10–0685P).	May 11, 2009; May 18, 2009; *Idaho Press-Tribune*.	The Honorable David Ferdinand, Chairman, Canyon County Board of Commissioners, 1115 Albany Street, Caldwell, ID 83605.	April 30, 2009	160208
Teton (FEMA Docket No: B–1063).	Unincorporated areas of Teton County (08–10–0585P).	May 21, 2009; May 28, 2009; *Teton Valley News*.	The Honorable Larry Young, Chairman, Teton County Board of Commissioners, P.O. Box 756, Driggs, ID 83422.	September 25, 2009	160230
Illinois:					
DuPage (FEMA Docket No: B–1070).	Village of Villa Park (08–05–4476P).	July 10, 2009; July 17, 2009; *Villa Park Argus*.	The Honorable Joyce Stupegia; President, Village of Villa Park; 20 South Ardmore Avenue; Villa Park, IL 60181.	June 29, 2009	170217
Will (FEMA Docket No: B–1070).	Unincorporated areas of Will County (09–05–3443P).	July 6, 2009; July 13, 2009; *The Herald News*.	The Honorable Lawrence M. Walsh, Will County Executive, 302 North Chicago Street, Joliet, IL 60432.	November 10, 2009	170695
Indiana:					
Elkhart (FEMA Docket No: B–1070).	City of Elkhart (09–05–0815P).	July 3, 2009; July 10, 2009; *The Elkhart Truth*.	The Honorable David Miller, Mayor, City of Elkhart, Municipal Building, 229 South 2nd Street, Elkhart, IN 46516.	November 9, 2009	180057
Elkhart (FEMA Docket No: B–1070).	Unincorporated areas of Elkhart County (09–05–0815P).	July 3, 2009; July 10, 2009; *The Elkhart Truth*.	The Honorable Terry Rodino, President, Elkhart County Board of Commissioners, 117 North 2nd Street, Goshen, IN 46526.	November 9, 2009	180056
Kansas:					
McPherson (FEMA Docket No: B–1070).	City of McPherson (09–07–0243P).	July 7, 2009; July 14, 2009; *McPherson Sentinel*.	The Honorable Thomas A. Brown, Mayor, City of McPherson, P.O. Box 1008, McPherson, KS 67460.	June 26, 2009	200217
Sedgwick (FEMA Docket No: B–1067).	Unincorporated areas of Sedgwick County (08–07–1331P).	April 20, 2009; April 27, 2009; *Wichita Eagle*.	The Honorable Kelly Parks, Chairman, Sedgwick County Board of Commissioners, County Courthouse, 525 North Main Street, Wichita, KS 67203.	August 25, 2009	200321
Sedgwick (FEMA Docket No: B–1067).	City of Valley Center (08–07–1331P).	April 20, 2009; April 27, 2009; *Wichita Eagle*.	The Honorable Michael D. McNown, Mayor, City of Valley Center, P.O. Box 188, Valley Center, KS 67147.	August 25, 2009	200327
Michigan: Macomb (FEMA Docket No: B–1067).	Township of Shelby (09–05–0484P).	June 21, 2009; June 28, 2009; *The Source*.	The Honorable Richard Stathakis, Supervisor, Shelby Township, 52700 Van Dyke Avenue, Shelby Township, MI 48316.	October 19, 2009	260126
Minnesota:					
Anoka (FEMA Docket No: B–1070).	City of Blaine (08–05–4922P).	March 27, 2009; April 3, 2009; *Blaine-Spring Lake Park Life*.	The Honorable Thomas Ryan, Mayor, City of Blaine, 12147 Radisson Road Northeast, Blaine, MN 55449.	July 27, 2009	270007
Anoka (FEMA Docket No: B–1070).	City of Coon Rapids (08–05–4922P).	March 27, 2009; April 3, 2009; *Coon Rapids Herald*.	The Honorable Tim Howe, Mayor, City of Coon Rapids, 11155 Robinson Drive, Coon Rapids, MN 55433.	July 27, 2009	270011
Olmsted (FEMA Docket No: B–1063).	Unincorporated areas of Olmsted County (09–05–1227P).	May 26, 2009; June 2, 2009; *Post-Bulletin*.	The Honorable Kenneth W. Brown, Commissioner, c/o County Administration, 151 4th Street Southeast, Rochester, MN 55904.	May 15, 2009	270626
Olmsted (FEMA Docket No: B–1063).	City of Rochester (09–05–1227P).	May 26, 2009; June 2, 2009; *Post-Bulletin*.	The Honorable Ardell F. Brede, Mayor, City of Rochester, 201 4th Street Southeast, Room 281, Rochester, MN 55904.	May 15, 2009	275246

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Stearns (FEMA Docket No: B–1063).	City of Cold Springs (09–05–2287P).	June 2, 2009; June 9, 2009; *Cold Springs Record*.	The Honorable Doug Schmitz, Mayor, City of Cold Spring, 12 11th Avenue North, Cold Spring, MN 56320.	October 7, 2009	270444
Mississippi: Rankin (FEMA Docket No: B–1070).	City of Richmond (09–04–2764P).	July 8, 2009; July 15, 2009; *Rankin County News*.	The Honorable Shirley Hall, Mayor, City of Richland, P.O. Box 180609, Richland, MS 39218.	July 30, 2009	280299
Missouri: Jefferson (FEMA Docket No: B–1063).	Unincorporated areas of Jefferson County (09–07–0429P).	June 4, 2009; June 11, 2009; *Jefferson County Leader*.	Mr. Chuck Banks, Jefferson County Executive, P.O. Box 100, Hillsboro, MO 63050.	May 28, 2009	290808
Montana:					
Carbon (FEMA Docket No: B–1070).	City of Red Lodge (09–08–0545P).	June 11, 2009; June 18, 2009; *Carbon County News*.	The Honorable Betsy Scanlin, Mayor, City of Red Lodge, P.O. Box 9, Red Lodge, MT 59068.	October 16, 2009	300007
Flathead (FEMA Docket No: B–1063).	Unincorporated areas of Flathead County (09–08–0251P).	May 26, 2009; June 2, 2009; *Daily Inter Lake*.	The Honorable Dale Lauman, Chairman, Flathead County Board of, Commissioners, 800 South Main Street, Kalispell, MT 59901.	September 30, 2009	300023
Nebraska: Lincoln (FEMA Docket No: B–1067).	City of North Platte (09–07–1206P).	June 25, 2009; July 2, 2009; *North Platte Telegraph*.	The Honorable Marc Kaschke, Mayor, City of North Platte, 211 West 3rd Street, North Platte, NE 69101.	June 15, 2009	310143
New Mexico: Sandoval (FEMA Docket No: B–1063).	City of Rio Rancho (09–06–0561P).	June 5, 2009; June 12, 2009; *Albuquerque Journal*.	The Honorable Thomas E. Swisstack, Mayor, City of Rio Rancho, 3200 Civic Center Circle Northeast, Rio Rancho, NM 87144.	May 26, 2009	350146
New York: Rockland (FEMA Docket No: B–1059).	Town of Ramapo (09–02–0256P).	May 11, 2009; May 18, 2009; *The Journal News*.	The Honorable Christopher St. Lawrence, Supervisor, Town of Ramapo, 237 Route 59, Suffern, NY 10901.	October 27, 2009	365340
Ohio:					
Franklin (FEMA Docket No: B–1070).	City of Dublin (08–05–2843P).	June 17, 2009; June 24, 2009; *The Dublin News*.	The Honorable Mary Chinnici-Zuercher, Mayor, City of Dublin, 5200 Emerald Parkway, Dublin, OH 43017.	October 22, 2009	390673
Hancock (FEMA Docket No: B–1070).	Unincorporated areas of Hancock County (09–05–2984P).	June 30, 2009; July 7, 2009; *The Courier*.	The Honorable Edward D. Ingold, Hancock County Commissioner, 322 South Main Street, Findlay, OH 45840.	November 4, 2009	390767
Lucas (FEMA Docket No: B–1067).	City of Toledo (09–05–0642P).	June 3, 2009; June 10, 2009; *Toledo Blade*.	The Honorable Carleton S. Finkbeiner, Mayor, City of Toledo, 1 Government Center, 640 Jackson Street, Suite 2200, Toledo, OH 43604.	May 21, 2009	395373
South Carolina:					
Aiken (FEMA Docket No: B–1063).	Unincorporated areas of Aiken County (09–04–1792P).	May 8, 2009; May 15, 2009; *Aiken Standard*.	The Honorable Ronnie Young, Aiken County Council Chairman, 736 Richland Avenue West, Aiken, SC 29801.	April 30, 2009	450002
Aiken (FEMA Docket No: B–1063).	City of North Augusta (09–04–1792P).	May 8, 2009; May 15, 2009; *Aiken Standard*.	The Honorable Lark W. Jones, Mayor, City of North Augusta, P.O. Box 6400, North Augusta, SC 29861.	April 30, 2009	450007
Lancaster (FEMA Docket No: B–1070).	Unincorporated Areas of Lancaster County (09–04–1036P).	June 8, 2009; June 15, 2009; *Rock Hill Herald*.	The Honorable Steve Willis, Lancaster County Administrator, P.O. Box 1809, Lancaster, SC 29721.	October 13, 2009	450120
South Dakota: Lawrence (FEMA Docket No: B–1063).	City of Deadwood (09–08–0225P).	June 3, 2009; June 10, 2009; *Lawrence County Journal*.	The Honorable Francis A. Toscana, Mayor, City of Deadwood, P.O. Box 413, Deadwood, SD 57732.	October 8, 2009	460045
Tennessee: Wilson (FEMA Docket No: B–1067).	City of Mt. Juliet (09–04–1406P).	June 19, 2009; June 26, 2009; *Lebanon Democrat*.	The Honorable Linda Elam, Mayor, City of Mount Juliet, 2425 North Mount Juliet Road, Mount Juliet, TN 37122.	June 10, 2009	470290
Texas: Bexar (FEMA Docket No: B–1070).	Unincorporated areas of Bexar County (08–06–2311P).	July 6, 2009; July 13, 2009; *Daily Commercial Recorder*.	The Honorable Nelson W. Wolff, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa Street, Suite 120, San Antonio, TX 78205.	July 30, 2009	480035
Bexar (FEMA Docket No: B–1067).	City of San Antonio (09–06–0261P).	June 10, 2009; June 17, 2009; *San Antonio Express-News*.	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	October 15, 2009	480045
Cherokee (FEMA Docket No: B–1067).	City of Jacksonville (09–06–0483P).	June 9, 2009; June 16, 2009; *Jacksonville Daily Progress*.	The Honorable Robert N. Haberle, Mayor, City of Jacksonville, P.O. Box 1390, Jacksonville, TX 75766.	October 14, 2009	480123
Collin (FEMA Docket No: B–1070).	City of Plano (08–06–2741P)..	July 3, 2009; July 10, 2009; *Plano Star-Courier*.	The Honorable Phil Dyer, Mayor, City of Plano, 1520 Avenue K, Plano, TX 75074.	November 9, 2009	480140
Kerr (FEMA Docket No: B–1063).	City of Kerrville (09–06–0116P).	May 11, 2009; May 18, 2009; *Kerrville Daily Times*.	The Honorable Todd Bock, Mayor, City of Kerrville, 800 Junction Highway, Kerrville, TX 78028.	September 15, 2009	480420
Tarrant (FEMA Docket No: B–1067).	City of Fort Worth (09–06–1123P).	April 3, 2009; April 10, 2009; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	March 25, 2009	480596

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Travis (FEMA Docket No: B–1070).	City of Austin (08–06–3046P)..	May 12, 2009; May 19, 2009; *Austin American Statesman*.	The Honorable Will Wynn, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	April 30, 2009	480624
Webb (FEMA Docket No: B–1070).	City of Laredo (09–06–0689P).	June 11, 2009; June 18, 2009; *Laredo Morning Times*.	The Honorable Raul G. Salinas, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	October 16, 2009	480651
Utah: Davis (FEMA Docket No: B–1063).	City of Centerville (07–08–0754P).	May 26, 2009; June 2, 2009; *Salt Lake Tribune*.	The Honorable Ronald G. Russell, Mayor, City of Centerville, 73 West Ricks Creek Way, Centerville, UT 84014.	May 12, 2009	490040
Virginia:					
City of Harrisonburg (FEMA Docket No: B–1070).	City of Harrisonburg (09–03–0277P).	June 26, 2009; July 3, 2009; *Daily News-Record*.	The Honorable Kai Degner, Mayor, City of Harrisonburg, 345 South Main Street, Harrisonburg, VA 22801.	November 2, 2009	510076
City of Waynesboro (FEMA Docket No: B–1070).	City of Waynesboro (09–03–0235P).	June 8, 2009; June 15, 2009; *The News Virginian*.	The Honorable Timothy D. Williams, Mayor, City of Waynesboro, P.O. Box 1028, Waynesboro, VA 22980.	June 29, 2009	515532
Prince Edward (FEMA Docket No: B–1070).	Town of Farmville (08–03–1396P).	July 1, 2009; July 8, 2009; *Farmville Herald*.	The Honorable Sydnor C. Newman, Jr., Mayor, Town of Farmville, 116 North Main Street, Farmville, VA 23901.	October 3, 2009	510118
Rockingham (FEMA Docket No: B–1063).	Town of Bridgewater (09–03–0163P).	May 21, 2009; May 28, 2009; *Daily News-Record*.	Mr. Bob F. Holton, Town of Bridgewater Superintendent, 201 Green Street, Bridgewater, VA 22812.	May 12, 2009	510134
Rockingham (FEMA Docket No: B–1063).	Unincorporated areas of Rockingham County (09–03–0163P).	May 21, 2009; May 28, 2009; *Daily News-Record*.	Mr. Joseph F. Paxton, Rockingham County Administrator, 20 East Gay Street, Harrisonburg, VA 22801.	May 12, 2009	510133
Wisconsin: Dane (FEMA Docket No: B–1070).	Unincorporated areas of Dane County (08–05–5051P).	June 26, 2009; July 3, 2009; *Wisconsin State Journal*.	The Honorable Kathleen Falk, Dane County Executive, City County Building, Room 421, 210 Martin Luther King Jr. Boulevard, Madison, WI 53703.	November 2, 2009	550077

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 30, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12482 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1123]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other

Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama:					
Shelby	Town of Calera (09–04–0261P).	March 24, 2010; March 31, 2010; *Shelby County Reporter*.	The Honorable George W. Roy, Mayor, Town of Calera, P.O. Box 177, Calera, AL 35040.	July 29, 2010	010373
Shelby	Unincorporated areas of Shelby County (09–04–0261P).	March 24, 2010; March 31, 2010; *Shelby County Reporter*.	The Honorable Lindsey Allison, Chairperson, Shelby County Commission, P.O. Box 467, Columbiana, AL 35051.	July 29, 2010	010191
Arizona:					
Maricopa	City of Glendale (09–09–2335P).	March 18, 2010; March 25, 2010; *Arizona Business Gazette*.	The Honorable Elaine M. Scruggs, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	July 23, 2010	040045
Maricopa	Unincorporated areas of Maricopa County (09–09–2335P).	March 18, 2010; March 25, 2010; *Arizona Business Gazette*.	The Honorable Don Stapley, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson Street, Phoenix, AZ 85003.	July 23, 2010	040037
California:					
Riverside	City of Perris (10–09–0106P).	March 31, 2010; April 7, 2010; *The Perris Progress*.	The Honorable Daryl R. Busch, Mayor, City of Perris, 101 North D Street, Perris, CA 92570.	July 29, 2010	060258
Riverside	City of Riverside (09–09–1506P).	March 10, 2010; March 17, 2010; *The Press-Enterprise*.	The Honorable Ronald O. Loveridge, Mayor, City of Riverside, 3900 Main Street, Riverside, CA 92522.	February 26, 2010	060260
Florida:					
Miami-Dade	City of Sunny Isles Beach (09–04–8292P).	March 15, 2010; March 22, 2010; *Miami Daily Business Review*.	The Honorable Norman S. Edelcup, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Suite 250, Sunny Isles Beach, FL 33160.	February 26, 2010	120688
Osceola	City of St. Cloud (09–04–6066P).	March 25, 2010; April 1, 2010; *Osceola News-Gazette*.	The Honorable Donna Hart, Mayor, City of St. Cloud, 1300 9th Street, St. Cloud, FL 34769.	July 30, 2010	120191
Polk	Unincorporated areas of Polk County (09–04–8238P).	March 31, 2010; April 7, 2010; *Polk County Democrat*.	The Honorable Bob English, Chairman, Polk County Board of County Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	August 5, 2010	120261
Volusia	City of Deltona (09–04–1747P).	March 22, 2010; March 29, 2010; *The Beacon*.	The Honorable Dennis Mulder, Mayor, City of Deltona, 2345 Providence Boulevard, Deltona, FL 32725.	July 27, 2010	120677
Georgia:					
Catoosa	City of Ringgold (09–04–6882P).	March 24, 2010; March 31, 2010; *The Catoosa County News*.	The Honorable Joe Barger, Mayor, City of Ringgold, 150 Tennessee Street, Ringgold, GA 30736.	July 29, 2010	130029
Catoosa	Unincorporated areas of Catoosa County (09–04–6882P).	March 24, 2010; March 31, 2010; *The Catoosa County News*.	The Honorable Keith Greene, Chairman, Catoosa County Board of Commissioners, 800 Lafayette Street, Ringgold, GA 30736.	July 29, 2010	130028
Clayton	City of Morrow (09–04–4735P).	February 12, 2010; Februrary 19, 2010; *Clayton News Daily*.	The Honorable Jim Millirons, Mayor, City of Morrow, 1500 Morrow Road, Morrow, GA 30260.	June 21, 2010	130045
Cobb	City of Smyrna (09–04–6852P).	March 12, 2010; March 19, 2010; *Marietta Daily Journal*.	The Honorable A. Max Bacon, Mayor, City of Smyrna, 2800 King Street, Smyrna, GA 30080.	February 26, 2010	130057
Cobb	Unincorporated areas of Cobb County (09–04–6852P).	March 12, 2010; March 19, 2010; *Marietta Daily Journal*.	The Honorable Samuel S. Olens, Chairman, Cobb County Board of Commissioners, 100 Cherokee Street, Marietta, GA 30090.	February 26, 2010	130052
Columbia	Unincorporated areas of Columbia County (09–04–4792P).	March 14, 2010; March 21, 2010; *The Columbia County News-Times*.	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	July 19, 2010	130059

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Fulton	City of Atlanta (09–04–6852P).	March 12, 2010; March 19, 2010; *Fulton Daily Report*.	The Honorable Kasim Reed, Mayor, City of Atlanta, 55 Trinity Avenue, Atlanta, GA 30303.	February 26, 2010	135160
Illinois:					
Will	Village of Mokena (09–05–4682P).	March 25, 2010; April 1, 2010; *Mokena Messenger*.	The Honorable Joseph W. Werner, Mayor, Village of Mokena, 11004 Carpenter Street, Mokena, IL 60448.	July 30, 2010	170705
Will	Village of Romeoville (09–05–4629P).	March 25, 2010; April 1, 2010; *The Herald News*.	The Honorable John Noak, Mayor, Village of Romeoville, 13 Montrose Drive, Romeoville, IL 60446.	July 30, 2010	170711
Will	Unincorporated areas of Will County (09–05–4629P).	March 25, 2010; April 1, 2010; *The Herald News*.	The Honorable Lawrence M. Walsh, Chairman, Will County Board of Supervisors, 302 North Chicago Street, Joliet, IL 60432.	July 30, 2010	170695
Mississippi:					
Rankin	City of Brandon (09–04–6879P).	March 31, 2010; April 7, 2010; *Rankin County News*.	The Honorable Tim Coulter, Mayor, City of Brandon, P.O. Box 1539, Brandon, MS 39043.	March 25, 2010	280143
Rankin	Unincorporated areas of Rankin County (09–04–6879P).	March 31, 2010; April 7, 2010; *Rankin County News*.	The Honorable Jay Bishop, Chair, Rankin County Board of Supervisors, 211 East Government Street, Suite A, Brandon, MS 39042.	March 25, 2010	280142
North Carolina:					
Dare	Town of Kill Devil Hills (09–04–6827P).	November 10, 2009; November 17, 2009; *The Coastland Times*.	The Honorable Raymond Sturza, Mayor, Town of Kill Devil Hills, P.O. Box 1719, Kill Devil Hills, NC 27948.	October 30, 2009	375353
Durham	City of Durham (09–04–5502P).	November 20, 2009; November 27, 2009; *The Herald Sun*.	The Honorable William V. Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	April 5, 2010	370086
Forsyth	City of Winston-Salem (09–04–7422P).	January 5, 2010; January 12, 2010; *Winston-Salem Journal*.	The Honorable Allen Joines, Mayor, City of Winston-Salem, P.O. Box 2511, Winston-Salem, NC 27102.	May 12, 2010	375360
Guilford	City of Greensboro (09–04–6072P).	November 30, 2009; December 7, 2009; *Greensboro News & Record*.	The Honorable Yvonne J. Johnson, Mayor, City of Greensboro, P.O. Box 3136, Greensboro, NC 27402.	April 6, 2010	375351
McDowell	Unincorporated areas of McDowell County (09–04–1274P).	January 22, 2010; January 29, 2010; *The McDowell News*.	Mr. Charles Abernathy, County Manager, McDowell County, 60 East Court Street, Marion, NC 28752.	June 1, 2010	370148
Orange	Town of Carrboro (09–04–7185P).	November 20, 2009; November 27, 2009; *Chapel Hill Herald*.	The Honorable Mark Chilton, Mayor, Town of Carrboro, 301 West Main Street, Carrboro, NC 27510.	March 29, 2010	370275
Orange	Town of Chapel Hill (08–04–4997P).	December 9, 2009; December 16, 2009; *Chapel Hill Herald*.	The Honorable Kevin Foy, Mayor, Town of Chapel Hill, 405 Martin Luther King Jr. Boulevard, Chapel Hill, NC 27514.	April 15, 2010	370180
Wake	City of Raleigh (09–04–4425P).	January 20, 2010; January 27, 2010; *The News & Observer*.	The Honorable Charles Meeker, Mayor, City of Raleigh, 222 West Hargett Street, Raleigh, NC 27602.	May 27, 2010	370243
Wake	Unincorporated areas of Wake County (08–04–4911P).	November 30, 2009; December 7, 2009; *The News & Observer*.	Mr. David C. Cooke, Wake County Manager, 337 South Salisbury Street, Suite 1100, Raleigh, NC 27602.	April 6, 2010	370368
Ohio:					
Franklin	City of Columbus (09–05–4021P).	March 12, 2010; March 19, 2010; *The Columbus Dispatch*.	The Honorable Michael B. Coleman, Mayor, City of Columbus, 90 West Broad Street, Columbus, OH 43215.	July 19, 2010	390170
Franklin	City of Whitehall (09–05–4021P).	March 12, 2010; March 19, 2010; *The Columbus Dispatch*.	The Honorable John A. Wolfe, Mayor, City of Whitehall, 360 South Yearling Road, Whitehall, OH 43213.	July 19, 2010	390180
Warren	City of Monroe (09–05–1088P).	March 5, 2010; March 12, 2010; *The Middletown Journal*.	The Honorable Robert Routson, Mayor, City of Monroe, P.O. Box 330, Monroe, OH 45050.	July 9, 2010	390042
Tennessee: Madison	Unincorporated areas of Madison County (09–04–3077P).	March 10, 2010; March 17, 2010; *Jackson Sun*.	The Honorable Jimmy Harris, Mayor, Madison County, 100 East Main Street, Suite 302, Jackson, TN 38301.	July 15, 2010	470112
Texas:					
Bexar	City of San Antonio (09–06–2985P).	April 2, 2010; April 9, 2010; *San Antonio Express-News*.	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	August 9, 2010	480045
Bexar	City of San Antonio (08–06–2113P).	March 31, 2010; April 7, 2010; *Daily Commercial Recorder*.	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	April 22, 2010	480045
Bexar	City of San Antonio (09–06–2177P).	March 19, 2010; March 26, 2010; *Daily Commercial Recorder*.	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	April 7, 2010	480045
Utah: Weber	City of Ogden (09–08–0418P).	March 19, 2010; March 26, 2010; *Ogden Standard-Examiner*.	The Honorable Matthew R. Godfrey, Mayor, City of Ogden, 2549 Washington Boulevard, Suite 910, Ogden, UT 84401.	July 26, 2010	490189

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 30, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12478 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1107]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Montgomery.	City of Montgomery (10–04–0501P).	January 5, 2010, January 12, 2010, *Montgomery Advertiser.*	The Honorable Todd Strange, Mayor, City of Montgomery, 103 North Perry Street, Montgomery, AL 36104.	December 28, 2009	010174
Colorado:					
Larimer	City of Loveland (09–08–0734P).	January 15, 2010, January 22, 2010, *Daily Reporter-Herald.*	The Honorable Cecil Gutierrez, Mayor, City of Loveland, 500 East 3rd Street, Suite 330, Loveland, CO 80537.	May 24, 2010	080103
Montrose	Unincorporated areas of Montrose County (09–08–0799P).	December 3, 2009, December 10, 2009, *Montrose Daily Press.*	The Honorable David White, Chairman, Montrose County Board of Commissioners, 161 South Townsend Avenue, Montrose, CO 81401.	April 9, 2010	080124
Summit	Town of Breckenridge (09–08–0933P).	January 29, 2010, February 5, 2010, *Summit County Journal.*	The Honorable John Warner, Mayor, Town of Breckenridge, 150 Ski Hill Road, Breckenridge, CO 80424.	June 7, 2010	080172
Florida:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Hillsborough	Unincorporated areas of Hillsborough County (09–04–6115P).	January 14, 2010, January 21, 2010, *The Tampa Tribune*.	Ms. Patricia G. Bean, County Administrator, Hillsborough, County, 601 East Kennedy Boulevard, 26th Floor, Tampa, FL 33602.	May 21, 2010	120112
Orange	Unincorporated areas of Orange County (09–04–6043P).	January 14, 2010, January 21, 2010, *Orlando Weekly*.	The Honorable Richard T. Crotty, Mayor, Orange County Board of, Commissioners, 4200 South John Young Parkway, Orlando, FL 32839.	May 21, 2010	120179
Pinellas	City of Gulfport (09–04–6868P).	January 29, 2010, February 5, 2010, *St. Petersburg Times*.	The Honorable Mike Yakes, Mayor, City of Gulfport, 2401 53rd Street South, Gulfport, FL 33707.	January 20, 2010	125108
Pinellas	Unincorporated areas of Pinellas County (09–04–6868P).	January 29, 2010, February 5, 2010, *St. Petersburg Times*.	The Honorable Karen Williams Seel, Chairman, Pinellas County Board of Commissioners, 315 Court Street, Clearwater, FL 33756.	January 20, 2010	125139
Georgia:					
Cobb	City of Marietta (09–04–6328P).	January 8, 2010, January 15, 2010, *Marietta Daily Journal*.	The Honorable William B. Dunaway, Mayor, City of Marietta, P.O. Box 609, Marietta, GA 30061.	February 2, 2010	130226
Cobb	Unincorporated areas of Cobb County (09–04–6328P).	January 8, 2010, January 15, 2010, *Marietta Daily Journal*.	The Honorable Samuel S. Olens, Chariman, Cobb County Board of Commissioners, 100 Cherokee Street, Marietta, GA 30090.	February 2, 2010	130052
Forsyth	City of Cumming (09–04–5443P).	December 30, 2009, January 6, 2010, *Forsyth County News*.	The Honorable Henry Ford Gravitt, Mayor, City of Cumming, 100 Main Street, Cumming, GA 30040.	May 6, 2010	130236
Kansas: Johnson	City of Lenexa (09–07–1009P).	January 20, 2010, January 27, 2010, *The Johnson County Sun*.	The Honorable Michael Boehm, Mayor, City of Lenexa, 12350 West 87th Street Parkway, Lenexa, KS 66215.	January 12, 2010	200168
Kentucky: Louisville-Jefferson County Metropolitan Government.	Louisville-Jefferson County Metropolitan Government (10–04–0314P).	January 15, 2010, January 22, 2010, *The Courier-Journal*.	The Honorable Jerry E. Abramson, Mayor, Louisville-Jefferson County Metropolitan Government, 527 West Jefferson Street, Louisville, KY 40202.	May 24, 2010	210120
Mississippi:					
Hinds	City of Jackson (09–04–5350P).	January 15, 2010, January 22, 2010, *The Clarion-Ledger*.	The Honorable Harvey Johnson, Mayor, City of Jackson, P.O. Box 17, Jackson, MS 39205.	December 31, 2009	280072
Missouri:					
Jasper	City of Joplin (09–07–0562P).	January 15, 2010, January 22, 2010, *The Joplin Globe*.	The Honorable Gary Shaw, Mayor, City of Joplin, 602 South Main Street, Joplin, MO 64801.	May 24, 2010	290183
Newton	Unincorporated areas of Newton County (09–07–0562P).	January 15, 2010, January 22, 2010, *The Joplin Globe*.	The Honorable Jerry Carter, Presiding Commissioner, Newton County Commission, 101 South Wood Street, Neosho, MO 64850.	May 24, 2010	290820
New Mexico:					
Bernalillo	City of Rio Rancho (09–06–1628P).	January 15, 2010, January 22, 2010, *The Albuquerque Journal*.	The Honorable Thomas E. Swisstack, Mayor, City of Rio Rancho, 3200 Civic Center Circle Northeast, Rio Rancho, NM 87144.	May 24, 2010	350146
Bernalillo	Unincorporated areas of Bernalillo County (09–06–1628P).	January 15, 2010, January 22, 2010, *The Albuquerque Journal*.	The Honorable Alan B. Armijo, Chairman, Bernalillo County Board, of Commissioners, 1 Civic Plaza Northwest, Albuquerque, NM 87102.	May 24, 2010	350001
North Carolina:					
Forsyth	City of Winston-Salem (09–04–7422P).	January 5, 2010, January 12, 2010, *Winston-Salem Journal*.	The Honorable Allen Joines, Mayor, City of Winston-Salem, P.O. Box 2511, Winston-Salem, NC 27102.	May 12, 2010	375360
McDowell	Unincorporated areas of McDowell County (09–04–1274P).	January 22, 2010, January 29, 2010, *The McDowell News*.	Mr. Charles Abernathy, County Manager, McDowell County, 60 East Court Street, Marion, NC 28752.	June 1, 2010	370148
Wake	City of Raleigh (09–04–4425P).	January 20, 2010, January 27, 2010, *The News & Observer*.	The Honorable Charles Meeker, Mayor, City of Raleigh, P.O. Box 590, Raleigh, NC 27602.	May 27, 2010	370243
Oregon:					
Clackamas	City of Lake Oswego (09–10–0738P).	January 7, 2010, January 14, 2010, *Lake Oswego Review*.	The Honorable Jack Hoffman, Mayor, City of Lake Oswego, P.O. Box 369, Lake Oswego, OR 97034.	May 14, 2010	410018
Marion	City of Salem (09–10–0105P).	December 24, 2009, December 31, 2009, *Statesman Journal*.	The Honorable Janet Taylor, Mayor, City of Salem, 555 Liberty Street Southeast, Salem, OR 97301.	April 30, 2010	410167
South Carolina: Lexington.	Unincorporated areas of Lexington County (10–04–0151P).	January 14, 2010, January 21, 2010, *The Lexington County Chronicle*.	The Honorable Debra B. Summers, Chair, Lexington County Council, 212 South Lake Drive, Lexington, SC 29072.	May 21, 2010	450129
Tennessee: Washington.	City of Johnson City (09–04–5738P).	January 14, 2010, January 21, 2010, *Johnson City Press*.	Mr. M. Denis Peterson, City Manager, City of Johnson City, 601 East Main Street, Johnson City, TN 37601.	May 21, 2010	475432
Texas:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Bexar	City of San Antonio (08–06–1091P).	January 15, 2010, January 22, 2010, *San Antonio Express-News*.	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	May 24, 2010	480045
Denton	City of Lewisville (09–06–2230P).	January 13, 2010, January 20, 2010, *Lewisville Leader*.	The Honorable Dean Ueckert, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, TX 75029.	May 20, 2010	480195
Harris	City of Houston (09–06–2519P).	January 14, 2010, January 21, 2010, *Houston Chronicle*.	The Honorable Annise D. Parker, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	December 31, 2009	480296
Harris	Unincorporated areas of Harris County (09–06–2519P).	January 14, 2010, January 21, 2010, *Houston Chronicle*.	The Honorable Edward J. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	December 31, 2009	480287
Travis	City of Pflugerville (09–06–2902P).	January 14, 2010, January 21, 2010, *Pflugerville Pflag*.	The Honorable Jeff Coleman, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, TX 78691.	December 31, 2009	481028
Virginia: City of Lynchburg.	City of Lynchburg (09–03–1318P).	January 15, 2010, January 22, 2010, *News & Advance*.	The Honorable Joan F. Foster, Mayor, City of Lynchburg, 900 Church Street, Lynchburg, VA 24504.	December 31, 2009	510093

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 30, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12479 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1118]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Federal Insurance and Mitigation Administrator reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona:					
Maricopa	City of Surprise (09–09–2388P)	March 11, 2010; March 18, 2010; *Arizona Business Gazette*.	The Honorable Lyn Truitt, Mayor, City of Surprise, 16000 North Civic Center Plaza, Surprise, AZ 85374.	February 25, 2010	040053
Maricopa	Unincorporated areas of Maricopa County. (09–09–2388P)	March 11, 2010; March 18, 2010; *Arizona Business Gazette*.	The Honorable Andrew W. Kunasek, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	February 25, 2010	040037
Florida:					
Alachua	Unincorporated areas of Alachua County. (09–04–5275P)	March 16, 2010; March 22, 2010; *The Gainesville Sun*.	The Honorable Cynthia Moore Chestnut, Chairman, Alachua County Board of Commissioners, P.O. Box 2877, Gainesville, FL 32602.	February 26, 2010	120001
Duvall	City of Jacksonville (10–04–1198P)	March 5, 2010; March 12, 2010; *Jacksonville Daily Record*.	The Honorable John Peyton, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, FL 32202.	July 9, 2010	120077
Monroe	Unincorporated areas of Monroe County. (09–04–8247P)	March 8, 2010; March 15, 2010; *Key West Citizen*.	The Honorable Sylvia Murphy, Mayor, Monroe County, 102050 Overseas Highway, Suite 234, Key Largo, FL 33037.	February 26, 2010	125129
Seminole	City of Lake Mary (10–04–0356P)	March 5, 2010; March 12, 2010; *Orlando Sentinel*.	The Honorable David Mealor, Mayor, City of Lake Mary, P.O. Box 958445, Lake Mary, FL 32795.	February 24, 2010	120416
Idaho: Teton	Unincorporated areas of Teton County. (09–10–0567P)	February 18, 2010; February 25, 2010; *Teton Valley News*.	The Honorable Larry Young, Chairman, Teton County Board of Commissioners, 150 Courthouse Drive, Driggs, ID 83422.	June 25, 2010	160230
Kansas: Johnson	City of Overland Park. (09–07–1561P)	March 10, 2010; March 17, 2010; *The Johnson County Sun*.	The Honorable Carl Gerlach, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, KS 66212.	February 26, 2010	200174
Kentucky: Lexington-Fayette Urban County Government.	Lexington-Fayette Urban County Government. (09–04–6917P)	March 15, 2010; March 22, 2010; *Lexington Herald-Leader*.	The Honorable Jim Newberry, Mayor, Lexington-Fayette Urban County, Government, 200 East Main Street, 12th Floor, Lexington, KY 40507.	March 29, 2010	210067
North Carolina: Durham.	City of Durham (08–04–3771P)	February 24, 2010; March 3, 2010; *The Herald Sun*.	The Honorable William V. Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	July 1, 2010	370086
Texas:					
Comal and Guadalupe.	City of Schertz (09–06–2056P)	March 11, 2010; March 18, 2010; *Northeast Herald*.	The Honorable Hal Baldwin, Mayor, City of Schertz, 1400 Schertz Parkway, Schertz, TX 78154.	July 16, 2010	480269
Comal and Guadalupe.	City of Selma (09–06–2056P)	March 11, 2010; March 18, 2010; *Northeast Herald*.	The Honorable Jim Parma, Mayor, City of Selma, 9375 Corporate Drive, Selma, TX 78154.	July 16, 2010	480046
Gregg	City of Longview (09–06–1728P)	March 5, 2010; March 12, 2010; *Longview News-Journal*.	The Honorable Jay Dean, Mayor, City of Longview, P.O. Box 1952, Longview, TX 75606.	July 12, 2010	480264
Tarrant	City of Hurst (09–06–2085P)	December 18, 2008; December 25, 2009; *Star-Telegram*.	The Honorable Richard Ward, Mayor, City of Hurst, 1505 Precinct Line Road, Hurst, TX 76054.	April 26, 2010	480601
Virginia: Loudoun	Unincorporated areas of Loudoun County. (09–03–1375P)	March 10, 2010; March 17, 2010; *Loudoun Times-Mirror*.	The Honorable Scott K. York, Chairman, Loudoun County, P.O. Box 7000, Leesburg, VA 20177.	March 22, 2010	510090

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 30, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12484 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2010–0003]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated in the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection

at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Federal Insurance and Mitigation Administrator has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p.376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California: Shasta (FEMA Docket No.: B–1077).	City of Shasta Lake (09–09–0170P).	July 20, 2009; July 27, 2009; *Record Searchlight.*	Ms. Carol Martin, City of Shasta Lake Manager, P.O. Box 777, Shasta Lake, CA 96019.	July 10, 2009	060758
Colorado:					
El Paso (FEMA Docket No.: B–1077).	City of Colorado Springs (09–08–0556P).	July 8, 2009; July 15, 2009; *El Paso County Advertiser and News.*	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903.	June 30, 2009	080060
Jefferson (FEMA Docket No.: B–1073).	City of Westminster (09–08–0595P).	July 9, 2009; July 16, 2009; *Westminster Window.*	The Honorable Nancy McNally, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	November 13, 2009	080008
Florida:					
Alachua (FEMA Docket No.: B–1073).	City of Alachua (09–04–0431P).	June 3, 2009; June 10, 2009; *The Gainesville Sun.*	The Honorable Jean Calderwood, Mayor, City of Alachua, P.O. Box 9, Alachua, FL 32616.	October 8, 2009	120664
Alachua (FEMA Docket No.: B–1073).	Unincorporated areas of Alachua County (09–04–0431P).	June 3, 2009; June 10, 2009; *The Gainesville Sun.*	The Honorable Mike Byerly, Chairman, Alachua County Board of Commissioners, P.O. Box 2877, Gainesville, FL 32602.	October 8, 2009	120001
Collier (FEMA Docket No.: B–1073).	City of Marco Island (09–04–4108P).	July 20, 2009; July 27, 2009; *Naples Daily News.*	Mr. Steven T. Thompson, City of Marco Island Manager, 50 Bald Eagle Drive, Marco Island, FL 34145.	July 7, 2009	120426
Lake (FEMA Docket No.: B–1073).	Town of Lady Lake (09–04–2296P).	July 10, 2009; July 17, 2009; *Daily Commercial.*	The Honorable Ruth Kussard, Mayor Pro-Tem, Town of Lady Lake, 409 Fennell Boulevard, Lady Lake, FL 32159.	November 16, 2009	120613
Lake (FEMA Docket No.: B–1073).	Unincorporated areas of Lake County (09–04–2296P).	July 10, 2009; July 17, 2009; *Daily Commercial.*	The Honorable Welton G. Cadwell, Chairman, Lake County Board of Commissioners, P.O. Box 7800, Tavares, FL 32778.	November 16, 2009	120421

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Idaho: Ada (FEMA Docket No.: B–1073).	Unincorporated areas of Ada County (09–10–0029P).	July 24, 2009; July 31, 2009; *Idaho Statesman*.	The Honorable Fred Tilman, Chairman, Ada County Board of Commissioners, 200 West Front Street, Boise, ID 83702.	July 15, 2009	160001
Illinois:					
Douglas (FEMA Docket No.: B–1073).	City of Tuscola (09–05–1421P).	July 15, 2009; July 22, 2009; *Tuscola Journal*.	The Honorable Daniel J. Kleiss, Mayor, City of Tuscola, 214 North Main Street, Tuscola, IL 61953.	June 30, 2009	170195
Douglas (FEMA Docket No.: B–1073).	Unincorporated areas of Douglas County (09–05–1421P).	July 15, 2009; July 22, 2009; *Tuscola Journal*.	The Honorable Wayne Schable, Chair, Douglas County Board of Supervisors, P.O. Box 467, Tuscola, IL 61953.	June 30, 2009	170194
Maryland: Montgomery (FEMA Docket No.: B–1077).	Unincorporated areas of Montgomery County (09–03–0599P).	July 30, 2009; August 6, 2009; *Montgomery County Sentinel*.	The Honorable Isiah Leggett, Montgomery County Executive, Executive Office Building, 101 Monroe Street, 2nd Floor, Rockville, MD 20850.	July 24, 2009	240049
Nevada: Clark (FEMA Docket No.: B–1073).	Unincorporated areas of Clark County (09–09–1287P).	July 9, 2009; July 16, 2009; *Las Vegas, Review-Journal*.	The Honorable Rory Reid, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89106.	June 25, 2009	320003
North Carolina:					
Cabarrus (FEMA Docket No.: B–1073).	City of Kannapolis (08–04–5265P).	July 15, 2009; July 22, 2009; *Independent Tribune*.	The Honorable Robert S. Misenheimer, Mayor, City of Kannapolis, P.O. Box 1199, Kannapolis, NC 28082.	July 6, 2009	370469
Cabarrus (FEMA Docket No.: B–1073).	Unincorporated areas of Cabarrus County (08–04–5265P).	July 15, 2009; July 22, 2009; *The Charlotte Observer*.	Mr. John D. Day, Manager, Cabarrus County Governmental Center, P.O. Box 707, Concord, NC 28026.	July 6, 2009	370036
Ohio: Lorain (FEMA Docket No.: B–1077).	City of Avon (08–05–2056P).	January 12, 2009; January 19, 2009; *Morning Journal*.	The Honorable James A. Smith, Mayor, City of Avon 36080 Chester Road Avon, OH 44011.	December 31, 2008	390348
Oklahoma:					
Canadian (FEMA Docket No.: B–1073).	City of Oklahoma City (09–06–0829P).	July 16, 2009; July 23, 2009; *The Oklahoman*.	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Street, 3rd Floor, Oklahoma City, OK 73102.	July 2, 2009	405378
Comanche (FEMA Docket No.: B–1077).	City of Lawton (08–06–1958P).	July 20, 2009; July 27, 2009; *Lawton Constitution*.	The Honorable John Purcell, Mayor, City of Lawton, 3006 Northeast Muse Circle, Lawton, OK 72507.	July 15, 2009	400049
Tennessee:					
Rutherford (FEMA Docket No.: B–1073).	Town of Smyrna (09–04–2810P).	July 8, 2009; July 15, 2009; *Daily News Journal*.	The Honorable Bobby G. Spivey, Mayor, Town of Smyrna, 315 South Lowry Street, Smyrna, TN 37167.	November 12, 2009	470169
Rutherford (FEMA Docket No.: B–1073).	Unincorporated areas of Rutherford County (09–04–3370P).	July 8, 2009; July 15, 2009; *Daily News Journal*.	The Honorable Ernest Burgess, Mayor, Rutherford County, County Courthouse, Room 101, Murfreesboro, TN 37130.	November 12, 2009	470165
Wilson (FEMA Docket No.: B–1073).	Unincorporated areas of Wilson County (09–04–3370P).	July 8, 2009; July 15, 2009; *Wilson Post*.	The Honorable Robert Dedman, County Mayor, Wilson County, 228 East Main Street, Lebanon, TN 37087.	November 12, 2009	470165
Texas:					
Fort Bend (FEMA Docket No.: B–1077).	Fort Bend County L.I.D. #7 (09–06–1930P).	July 23, 2009; July 30, 2009; *Fort Bend Sun*.	The Honorable Epifanio Salazar, Chairman, Board of Directors, Fort Bend County L.I.D. #7, 1300 Post Oak Boulevard, Suite 1400, Houston, TX 77027.	July 17, 2009	481594
Fort Bend (FEMA Docket No.: B–1077).	City of Sugar Land (09–06–1930P).	July 23, 2009; July 30, 2009; *Fort Bend Sun*.	The Honorable James A. Thompson, Mayor, City of Sugar Land, P.O. Box 110, Sugar Land, TX 77487.	July 17, 2009	480234
Fort Bend (FEMA Docket No.: B–1077).	Unincorporated areas of Fort Bend County (09–06–1930P).	July 23, 2009; July 30, 2009; *Fort Bend Sun*.	The Honorable Robert E. Hebert, PhD, Fort Bend County Judge, 301 Jackson Street, Richmond, TX 77469.	July 17, 2009	480228
McLennan (FEMA Docket No.: B–1073).	City of Waco (09–06–0597P).	June 26, 2009; July 3, 2009; *Waco Tribune-Herald*.	The Honorable Virginia DuPuy, Mayor, City of Waco, P.O. Box 2570, Waco, TX 76702.	November 2, 2009	480461
McLennan (FEMA Docket No.: B–1073).	Unincorporated areas of McLennan County (09–06–0597P).	June 26, 2009; July 3, 2009; *Waco Tribune-Herald*.	The Honorable Jim Lewis, McLennan County Judge, P.O. Box 1728, Waco, TX 76701.	November 2, 2009	480456
Travis (FEMA Docket No.: B–1077).	City of Pflugerville (09–06–0609P).	July 30, 2009 August 6, 2009; *Austin American-Statesman*.	The Honorable Jeff Coleman, Mayor, City of Pflugerville, P.O. Box 589, Pflugerville, TX 78691.	December 4, 2009	481028
Travis (FEMA Docket No.: B–1073).	City of Pflugerville (09–06–1373P).	July 23, 2009; July 30, 2009; *Pflugerville Pflag*.	The Honorable Jeff Coleman, Mayor, City of Pflugerville, P.O. Box 589 Pflugerville, TX 78691.	November 30, 2009	481028

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Travis (FEMA Docket No.: B–1077).	Unincorporated areas of Travis County (09–06–0609P).	July 30, 2009 August 6, 2009; *Austin American-Statesman*.	The Honorable Samuel T. Biscoe, Travis County Judge, 314 West 11th Street, Suite 520, Austin, TX 78701.	December 4, 2009	481026
Webb (FEMA Docket No.: B–1077).	City of Laredo (08–06–2270P).	July 10, 2009; July 17, 2009; *Laredo Morning Times*.	The Honorable Raul G. Salinas, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	November 16, 2009	480651
Webb (FEMA Docket No.: B–1077).	City of Laredo (08–06–2721P).	July 9, 2009; July 16, 2009; *Laredo Morning Times*.	The Honorable Raul G. Salinas, Mayor, City of Laredo, 1110 Houston Street, Laredo, TX 78040.	November 10, 2009	480651
Webb (FEMA Docket No.: B–1077).	Unincorporated areas of Webb County (09–06–1293P).	August 4, 2009; August 11, 2009; *Laredo Morning Times*.	The Honorable Danny Valdez, Webb County Judge, Webb County Courthouse, 1000 Houston Street, 3rd Floor, Laredo, TX 78040.	July 28, 2009	481059
Virginia: Loudoun (FEMA Docket No.: B–1073).	Town of Leesburg (08–03–1561P).	June 24, 2009; July 1, 2009; *Loudoun Times-Mirror*.	The Honorable Kristen C. Umstattd, Mayor, Town of Leesburg, P.O. Box 88, Leesburg, VA 20178.	October 29, 2009	510091
Wisconsin:					
Dane (FEMA Docket No.: B–1077).	Village of De Forest (09–05–0486P).	July 24, 2009; July 31, 2009; *Wisconsin State Journal*.	The Honorable Jeff Miller, Village President, Village of De Forest, 306 De Forest Street, De Forest, WI 53532.	July 15, 2009	550082
Dane (FEMA Docket No.: B–1077).	Unincorporated areas of Dane County (09–05–0486P).	July 24, 2009; July 31, 2009; *Wisconsin State Journal*.	The Honorable Kathleen M. Falk, Dane County Executive, City County Building, Room 118, 210 Martin Luther King, Jr. Boulevard, Madison, WI 53703.	July 15, 2009	550077
Wyoming: Sweetwater (FEMA Docket No.: B–1073).	City of Rock Springs (09–08–0320P).	July 14, 2009; July 21, 2009; *Rock Springs Daily Rocket-Miner*.	The Honorable Timothy A. Kaumo, Mayor, City of Rock Springs, 212 D Street, Rock Springs, WY 82901.	November 18, 2009	560051

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 30, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12487 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
Vol. 75, No. 100
Tuesday, May 25, 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 COMMERCE

Office of the Secretary

2 CFR Part 1329

15 CFR Part 29

[Docket No. 0907271171–91172–01]

RIN 0605–AA28

U.S. Department of Commerce Implementation of OMB Guidance on Drug-Free Workplace Requirements

AGENCY: U.S. Department of Commerce, Office of the Secretary.

ACTION: Proposed rule.

SUMMARY: The U.S. Department of Commerce is proposing to remove its regulation implementing the Governmentwide common rule on drug-free workplace requirements for financial assistance, and issuing a new regulation to adopt the Office of Management and Budget (OMB) guidance. This regulatory action implements the OMB's initiative to streamline and consolidate into one title of the CFR all Federal regulations on drug-free workplace requirements for financial assistance. These changes constitute an administrative simplification that would make no substantive change in U.S. Department of Commerce policy or procedures for drug-free workplace.

DATES: Submit comments by June 24, 2010 on any unintended changes this action makes in U.S. Department of Commerce policies and procedures for drug-free workplace. All comments on unintended changes will be considered and, if warranted, U.S. Department of Commerce will revise the rule.

ADDRESSES: You may submit comments, identified by RIN 0605–AA28, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Gary Johnson, Office of Acquisition Management, U.S. Department of Commerce, Room H–6412, 1401 Constitution Avenue, NW., Washington, DC 20230.
- *Hand Delivery/Courier:* Same Address as Above.

Instructions: All submissions received must include the agency name and Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to Regulations.gov, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Gary Johnson, *Gjohnso3@doc.gov,* 202 482–1679.

SUPPLEMENTARY INFORMATION:

Background

The Drug-Free Workplace Act of 1988, Public Law 100–690, Title V, Subtitle D; 41 U.S.C. 701, *et seq.,* was enacted as a part of omnibus drug legislation on November 18, 1988. Federal agencies issued an interim final common rule to implement the act as it applied to grants (54 FR 4946, January 31, 1989). The rule was a subpart of the Governmentwide common rule on nonprocurement suspension and debarment. The agencies issued a final common rule after consideration of public comments (55 FR 21681, May 25, 1990).

The agencies proposed an update to the drug-free workplace common rule in 2002 (67 FR 3266, January 23, 2002) and finalized it in 2003 (68 FR 66534, November 26, 2003). The updated common rule was redrafted in plain language and adopted as a separate part independent from the common rule on nonprocurement suspension and debarment. Based on an amendment to the drug-free workplace requirements in 41 U.S.C. 702 (Pub. L. 105–85, div. A, title VIII, Sec. 809, Nov. 18, 1997, 111 Stat. 1838), the update also allowed multiple enforcement options from which agencies could select, rather than requiring use of a certification in all cases.

When it established Title 2 of the CFR as the new central location for OMB guidance and agency implementing regulations concerning grants and agreements (69 FR 26276, May 11, 2004), OMB announced its intention to replace common rules with OMB guidance that agencies could adopt in brief regulations. OMB began that process by proposing (70 FR 51863, August 31, 2005) and finalizing (71 FR 66431, November 15, 2006) Governmentwide guidance on nonprocurement suspension and debarment in 2 CFR part 180.

As the next step in that process, OMB proposed for comment (73 FR 55776, September 26, 2008) and finalized (74 FR 28149, June 15, 2009) Governmentwide guidance with policies and procedures to implement drug-free workplace requirements for financial assistance. The guidance requires each agency to replace the common rule on drug-free workplace requirements that the agency previously issued in its own CFR title with a brief regulation in 2 CFR adopting the Governmentwide policies and procedures. One advantage of this approach is that it reduces the total volume of drug-free workplace regulations. A second advantage is that it collocates OMB's guidance and all of the agencies' implementing regulations in 2 CFR.

The Current Regulatory Actions

As the OMB guidance requires, the Department of Commerce is taking two regulatory actions. First, we are proposing to remove the drug-free workplace common rule from 15 CFR Part 29. Second, to replace the common rule, we propose to issue a brief regulation in 2 CFR Part 1329 to adopt the Governmentwide policies and procedures in the OMB guidance.

Invitation to Comment

Taken together, these regulatory actions are solely an administrative simplification and are not intended to make any substantive change in policies or procedures. In soliciting comments on these actions, we therefore are not seeking to revisit substantive issues that were resolved during the development of the final common rule in 2003. We are inviting comments specifically on any unintended changes in substantive content that the new part in 2 CFR would make relative to the common rule at 15 CFR part 29.

Executive Order 12866

OMB has determined this rule to be not significant for purposes of E.O. 12866.

Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))

Pursuant to section 605(b), the Chief Council for Regulations certified to the Chief Council for Advocacy at the Small Business Administration that the attached proposed rule, if adopted, will

not have a significant economic impact on a substantial number of small entities.

The U.S. Department of Commerce is proposing to remove its regulation implementing the Governmentwide common rule on drug-free workplace requirements for financial assistance, currently located within part 29 of title 15 of the Code of Federal Regulations (CFR), and issuing a new regulation to adopt the Office of Management and Budget (OMB) guidance at 2 CFR part 182. This regulatory action implements the OMB's initiative to streamline and consolidate into one title of the CFR all Federal regulations on drug-free workplace requirements for financial assistance. This regulatory change does not impact any small entities as these changes constitute an administrative simplification that would make no substantive change in U.S. Department of Commerce policy or procedures for a drug-free workplace. For the reasons set forth above, this action will not have a significant impact on a substantial number of small entities.

Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104–4)

This regulatory action does not contain a Federal mandate that will result in the expenditure by State, local, and Tribal governments, in aggregate, or by the private sector of $100 million or more in any one year.

Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35)

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

Federalism (Executive Order 13132)

This proposed regulatory action does not have Federalism implications, as set forth in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects

2 CFR Part 1329

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

15 CFR Part 29

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

Issued on May 20, 2010 at Washington, DC.

Helen Hurcombe,

Director for Acquisition Management and Procurement Executive.

Accordingly, for the reasons set forth in the preamble, and under the authority of 5 U.S.C. 301 and 41 U.S.C. 701 *et seq.,* the U. S. Department of Commerce proposes to add 2 CFR 1329 and remove 15 CFR 29 as follows:

Title 2

1. Add part 1329 in subtitle B, chapter 13, to read as follows:

PART 1329–REQUIREMENTS FOR DRUG-FREE WORKPLACE (FINANCIAL ASSISTANCE)

Sec.

1329.10 What does this part do?
1329.20 Does this Part apply to me?
1329.30 What policies and procedures must I follow?

Subpart A—[Reserved]

Subpart B—Requirements for Recipients Other Than Individuals

1329.225 Whom in the Department of Commerce does a recipient other than an individual notify about a criminal drug conviction?

Subpart C—Requirements for Recipients Who Are Individuals

1329.300 Whom in the Department of Commerce does a recipient who is an individual notify about a criminal drug conviction?

Subpart D—Responsibilities of Agency Awarding Officials

1329.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB guidance?

Subpart E—Violations of This Part and Consequences

1329.500 Who in the Department of Commerce determines that a recipient other than an individual violated the requirements of this part?
1329.505 Who in the Department of Commerce determines that a recipient who is an individual violated the requirements of this part?

Subpart F—[Reserved]

Authority: 5 U.S.C. 301; 41 U.S.C. 701–707.

§ 1329.10 What does this part do?

This part requires that the award and administration of Department of Commerce grants and cooperative agreements comply with Office of Management and Budget (OMB) guidance implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707, as amended, hereafter referred to as "the Act") that applies to grants. It thereby—

(a) Gives regulatory effect to the OMB guidance (subparts A through F of 2 CFR part 182) for the Department of Commerce's grants and cooperative agreements; and

(b) Establishes Department of Commerce policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in 41 U.S.C. 705 for Governmentwide implementing regulations.

§ 1329.20 Does this part apply to me?

This part and, through this part, pertinent portions of the OMB guidance in subparts A through F of 2 CFR part 182 (see table at 2 CFR 182.115(b)) apply to you if you are a—

(a) Recipient of a Department of Commerce grant or cooperative agreement; or

(b) Department of Commerce awarding official.

§ 1329.30 What policies and procedures must I follow?

(a) *General.* You must follow the policies and procedures specified in applicable sections of the OMB guidance in subparts A through F of 2 CFR part 182, as implemented by this part.

(b) *Specific sections of OMB guidance that this part supplements.* In implementing the OMB guidance in 2 CFR part 182, this part supplements four sections of the guidance, as shown in the following table. For each of those sections, you must follow the policies and procedures in the OMB guidance, as supplemented by this part.

Section of OMB guidance	Section in this part where supplemented	What the supplementation clarifies
(1) 2 CFR 182.225(a)	§ 1329.225	Whom in the Department of Commerce a recipient other than an individual must notify if an employee is convicted for a violation of a criminal drug statute in the workplace.

Section of OMB guidance	Section in this part where supplemented	What the supplementation clarifies
(2) 2 CFR 182.300(b)	§ 1329.300	Whom in the Department of Commerce a recipient who is an individual must notify if he or she is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity.
(3) 2 CFR 182.500	§ 1329.500	Who in the Department of Commerce is authorized to determine that a recipient other than an individual is in violation of the requirements of 2 CFR part 182, as implemented by this Part.
(4) 2 CFR 182.505	§ 1329.505	Who in the Department of Commerce is authorized to determine that a recipient who is an individual is in violation of the requirements of 2 CFR part 182, as implemented by this Part.

(c) *Sections of the OMB guidance that this part does not supplement.* For any section of OMB guidance in subparts A through F of 2 CFR part 182 that is not listed in paragraph (b) of this section, Department of Commerce policies and procedures are the same as those in the OMB guidance.

Subpart A—[Reserved]

Subpart B—Requirements for Recipients Other Than Individuals

§ 1329.225 Whom in the Department of Commerce does a recipient other than an individual notify about a criminal drug conviction?

A recipient other than an individual that is required under 2 CFR 182.225(a) to notify Federal agencies about an employee's conviction for a criminal drug offense must notify each Department of Commerce office from which it currently has an award.

Subpart C—Requirements for Recipients Who Are Individuals

§ 1329.300 Whom in the Department of Commerce does a recipient who is an individual notify about a criminal drug conviction?

A recipient who is an individual and is required under 2 CFR 182.300(b) to notify Federal agencies about a conviction for a criminal drug offense must notify each Department of Commerce office from which it currently has an award.

Subpart D—Responsibilities of Agency Awarding Officials

§ 1329.400 What method do I use as an agency awarding official to obtain a recipient's agreement to comply with the OMB guidance?

To obtain a recipient's agreement to comply with applicable requirements in the OMB guidance at 2 CFR part 182, you must include the following term or condition in the award:

Drug-free workplace. You as the recipient must comply with drug-free workplace requirements in subpart B (or subpart C, if the recipient is an individual) of 2 CFR part 1329, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152–5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D; 41 U.S.C. 701–707).

Subpart E—Violations of This Part and Consequences

§ 1329.500 Who in the Department of Commerce determines that a recipient other than an individual violated the requirements of this Part?

The Secretary of Commerce or designee.

§ 1329.505 Who in the Department of Commerce determines that a recipient who is an individual violated the requirements of this Part?

The Secretary of Commerce or designee.

Subpart F—Definitions [Reserved]

Title 15, Commerce and Foreign Trade

PART 29—[REMOVED AND RESERVED]

2. Remove and reserve part 29.

[FR Doc. 2010–12536 Filed 5–24–10; 8:45 am]

BILLING CODE 3510–03–P

DEPARTMENT OF JUSTICE

28 CFR Part 26

[Docket No. OJP 1464; AG Order No. 3157–2010]

RIN 1121–AA76

Office of the Attorney General; Certification Process for State Capital Counsel Systems; Removal of Final Rule

AGENCY: Office of the Attorney General, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the USA PATRIOT Improvement and Reauthorization Act of 2005, the Department of Justice promulgated a final rule to implement certification procedures for States seeking to qualify for the special Federal habeas corpus review procedures in capital cases afforded under chapter 154 of title 28 of the United States Code. *See Certification Process for State Capital Counsel Systems,* 73 FR 75327 (Dec. 11, 2008). A Federal district court issued an injunction requiring the Department to provide an additional public comment period and publish a response to any comments received during that period. The Department then solicited further public comments. By this proposed rule, the Department is proposing to remove the December 11, 2008 regulations. The Department will issue new regulations on this subject by separate rulemaking after the December 2008 regulations are removed.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before June 24, 2010. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after Midnight Eastern Time on the last day of the comment period.

ADDRESSES: Comments may be mailed to Regulations Docket Clerk, Office of Legal Policy, Department of Justice, 950 Pennsylvania Avenue, NW., Room 4234, Washington, DC 20530. To ensure proper handling, please reference OAG Docket No. 1464 on your correspondence. You may submit comments electronically or view an electronic version of this proposed rule at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Molly J. Moran, Office of Legal Policy, at (202) 514–4601 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Posting of Public Comments. Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, *etc.*) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, *etc.*) as part of your comment, but do not want it to be posted online, you must include the phrase "PERSONAL IDENTIFYING INFORMATION" in the first paragraph of your comment. You also must locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You also must prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted on *http://www.regulations.gov.*

Personal identifying information and confidential business information identified and located as set forth above will be placed in the agency's public docket file, but not posted online. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

The reason the Department is requesting electronic comments before Midnight Eastern Time on the day the comment period closes is that the inter-agency Regulations.gov/Federal Docket Management System (FDMS), which receives electronic comments, terminates the public's ability to submit comments at Midnight on the day the comment period closes. Commenters in time zones other than Eastern may want to take this fact into account so that their electronic comments can be received. The constraints imposed by the Regulations.gov/FDMS system do not apply to U.S. postal comments, which will be considered as timely filed if they are postmarked before Midnight on the day the comment period closes.

Overview

Chapter 154 of title 28, United States Code, makes special procedures available to a State respondent in Federal habeas corpus proceedings involving review of State capital convictions, but only if the Attorney General has certified "that [the] State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265," and if "counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent." 28 U.S.C. 2261(b). 28 U.S.C. 2265(a)(1) provides that, in order for a State to qualify for the special habeas procedures, the Attorney General must determine that "the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent [capital] prisoners" and that the State "provides standards of competency for the appointment of counsel in [such proceedings]."

Chapter 154 has been in place since the enactment of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104–132), but was amended by section 507 of Public Law 109–177, the USA PATRIOT Improvement and Reauthorization Act of 2005 ("the Act"). Prior to the Act, the determination of a State's eligibility for the special habeas procedures had been left to the Federal habeas courts. The 2005 Act amended, inter alia, sections 2261(b) and 2265 of title 28 to assign responsibility for chapter 154 certifications to the Attorney General of the United States, subject to de novo review by the U.S. Court of Appeals for the District of Columbia Circuit.

Rulemaking History

Section 2265(b) directs the Attorney General to promulgate regulations to implement the certification procedure. To fulfill this mandate, the Department of Justice published a proposed rule in the **Federal Register** on June 6, 2007, that proposed adding a new subpart entitled "Certification Process for State Capital Counsel Systems" to 28 CFR part 26. 72 FR 31217 (June 6, 2007). The comment period ended on August 6, 2007. The Department published a notice on August 9, 2007, reopening the comment period, 72 FR 44816, and the reopened comment period ended on September 24, 2007. The final rule establishing the chapter 154 certification procedure was published on December 11, 2008, 73 FR 75327, with an effective date of January 12, 2009.

The U.S. District Court for the Northern District of California preliminarily enjoined the Department "during the pendency of these proceedings from putting into effect the rule * * * without first providing an additional comment period of at least thirty days and publishing a response to any comments received during such period." *Habeas Corpus Res. Ctr.* v. *United States Dep't of Justice,* No. 08–2649, 2009 WL 185423, at *10 (Jan. 20, 2009). Further public comment was solicited, with the comment period closing on April 6, 2009. 74 FR 6131. The Department has reviewed, but has not yet published a response to, this latest round of public comments.

Review of Additional Comments

As the Department reviewed the submitted comments, it considered further the statutory requirements governing the regulatory implementation of the chapter 154 certification procedures. The Attorney General has determined that chapter 154 reasonably could be construed to allow the Attorney General greater discretion in making certification determinations than the December 11, 2008 regulations allowed. For instance, chapter 154 reasonably could be construed to permit the Attorney General to make certification determinations based on a minimum Federal standard of counsel competency, so long as that standard leaves the States sufficient discretion in establishing and applying their own counsel competency standards, and to certify only those State mechanisms that are adequate (including by providing sufficient compensation) to ensure the appointment of counsel who meet this Federal standard. In light of the availability of this discretion and concerns that the December 11, 2008 regulations unduly constrain it, the Attorney General has determined that those regulations should not bind him in making certification determinations pending the promulgation of a new rule.

Therefore, by this proposed rule, the Department is proposing to remove the December 11, 2008 regulations pending the completion of a new rulemaking process, during which the Department will further consider what certification procedures are appropriate.

Regulatory Certifications

Executive Order 12866—Regulatory Planning and Review

This action has been drafted and reviewed in accordance with Executive Order 12866 Regulatory Planning and Review, § 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and, accordingly, this rule has been reviewed by the Office of Management and Budget.

Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the States,

on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. This proposed rule merely proposes to remove the December 11, 2008 regulations. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

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

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This proposed rule merely proposes to remove the December 11, 2008 regulations.

Unfunded Mandates Reform Act of 1955

This rule will not result in the expenditure by State, local and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 28 CFR Part 26

Law enforcement officers, Prisoners.

Accordingly, for the reasons set forth in the preamble, part 26 of chapter I of title 28 of the Code of Federal Regulations is proposed to be amended as follows:

PART 26—DEATH SENTENCES PROCEDURES

1. The authority citation for part 26 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001(b), 4002; 28 U.S.C. 509, 510, 2261, 2265.

Subpart B—[Removed and Reserved]

2. Subpart B is removed and reserved.

Dated: May 19, 2010.

Eric H. Holder, Jr.,

Attorney General.

[FR Doc. 2010–12535 Filed 5–24–10; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1089]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1089, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding	Location**	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ∧Elevation in meters (MSL)	
		Existing	Modified
City of Alexandria, Virginia			
Backlick Run	Approximately 0.4 mile downstream of South Van Dorn Street	+79	+80
	Approximately 600 feet upstream of South Van Dorn Street	+94	+95
Cameron Run	Just upstream of the confluence with Hooffs Run	+11	+12
	Approximately 1,750 feet upstream of I–495 (Capital Beltway)	+24	+25
Holmes Run	Approximately 450 feet downstream of I–395	+80	+81
	Just downstream of I–395	+84	+90
Hooffs Run	At the confluence with Cameron Run	+11	+12
	Approximately 260 feet upstream of East Linden Street	None	+18
Old Cameron Run Channel	At the confluence with Hooffs Run	+11	+12
	Approximately 270 feet upstream of Mill Road/Andrews Lane	+11	+13
Strawberry Run	Just upstream of Eisenhower Avenue	None	+35
	Approximately 650 feet upstream of Fort Williams Parkway	+128	+138
Taylor Run	Approximately 300 feet downstream of Mill Road	+24	+25
	Approximately 0.7 mile upstream of Janneys Lane	None	+148
Timber Branch	Just upstream of Timber Branch Parkway	+69	+70
	Approximately 350 feet upstream of West Braddock Road	None	+134
Tributary 1 to Cameron Run	Approximately 200 feet upstream of the confluence with Cameron Run	None	+46
	Approximately 0.5 mile upstream of the confluence with Cameron Run	None	+66
Tributary 1 to Taylor Run	At the confluence with Taylor Run	+24	+25
	Approximately 1,000 feet upstream of the confluence with Taylor Run	None	+29
Tributary 2 to Taylor Run	At the confluence with Taylor Run	+81	+82
	Just downstream of Key Drive	+160	+164

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

City of Alexandria

Maps are available for inspection at 301 King Street, Alexandria, VA 22314.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Franklin County, Arkansas, and Incorporated Areas				
Arkansas River	Approximately 412 feet downstream of the confluence with Mikes Creek.	+366	+367	Unincorporated Areas of Franklin County.
	Approximately 0.52 mile upstream of the confluence with Mikes Creek.	+366	+367	
Mulberry River	Just upstream of Union Pacific Railroad	None	+392	Unincorporated Areas of Franklin County.
	Just downstream of I–40	None	+410	
Smith Creek	Just upstream of the confluence with Unnamed Tributary.	+364	+365	Unincorporated Areas of Franklin County.
	Approximately 1.02 mile upstream of the confluence with Unnamed Tributary.	+364	+365	
Unnamed Tributary	Just upstream of the confluence with Smith Creek	+364	+365	Unincorporated Areas of Franklin County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
White Oak Creek	Approximately 0.55 mile upstream of the confluence with Smith Creek.	+364	+365	Unincorporated Areas of Franklin County.
	Approximately 0.62 mile downstream of Union Pacific Railroad.	+384	+393	
	Approximately 1,865 feet upstream of Union Pacific Railroad.	+384	+393	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Franklin County

Maps are available for inspection at 211 West Commercial Street, Ozark, AR 72949

Sharp County, Arkansas, and Incorporated Areas

Curia Creek	Approximately 1,490 feet downstream of State Highway 230.	None	+603	Unincorporated Areas of Sharp County.
	Just downstream of State Highway 230	None	+608	
Lick Fork	Just downstream of Gravel Pit Road	None	+595	Unincorporated Areas of Sharp County.
	Approximately 157 feet downstream of Gravel Pit Road.	None	+597	
Right Prong Otter Creek	Approximately 500 feet upstream of Toshiming Trace	None	+491	Unincorporated Areas of Sharp County.
	Approximately 925 feet downstream of Waketa Drive	None	+530	
South Big Creek Tributary	Approximately 750 feet downstream of Jackson Spring Road.	None	+549	Unincorporated Areas of Sharp County.
	Approximately 600 feet downstream of Levee Road	None	+659	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Sharp County

Maps are available for inspection at 718 Ash Flat Drive, Ash Flat, AR 72513.

Mendocino County, California, and Incorporated Areas

Ackerman Creek	Upstream side of North State Street	None	+626	Pinoleville Indian Reservation, Unincorporated Areas of Mendocino County.
	Approximately 0.7 mile upstream of U.S. Route 101 southbound lanes.	None	+643	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Pinoleville Indian Reservation

Maps are available for inspection at 500 Pinoleville Drive, Suite B, Ukiah, CA 95482.

Unincorporated Areas of Mendocino County

Maps are available for inspection at 890 North Bush Street, Ukiah, CA 95482.

St. Johns County, Florida, and Incorporated Areas

Kendall Creek	Approximately 300 feet upstream of Roberts Road	*24	*25	Unincorporated Areas of St. Johns County.
	Approximately 700 feet upstream of Roberts Road	*25	*26	
Orange Grove Branch	Approximately 4,600 feet upstream of Orange Branch Trail.	*25	*26	Unincorporated Areas of St. Johns County.
	Approximately 5,700 feet upstream of Orange Branch Trail.	*25	*27	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of St. Johns County

Maps are available for inspection at 4020 Lewis Speedway, St. Augustine, FL 32084.

Iowa County, Iowa, and Incorporated Areas

Old Mans Creek	Approximately 1,800 feet downstream of the corporate limits of the City of Williamsburg.	None	+754	Unincorporated Areas of Iowa County.
	At the southernmost corporate limit of the City of Williamsburg.	None	+756	
	Approximately 300 feet upstream of Industrial Park Road.	None	+762	
	Approximately 2,000 feet upstream of State Street	None	+763	
	Approximately 700 feet upstream of State Route 149	None	+764	
	Approximately 2,600 feet upstream of State Route 149.	None	+765	
	Approximately 3,800 feet upstream of State Route 149.	None	+766	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Iowa County

Maps are available for inspection at 901 Court Avenue, Marengo, IA 52301.

Muscatine County, Iowa, and Incorporated Areas

Mississippi River	Approximately 7.1 miles downstream of State Route 92.	+555	+554	City of Muscatine, Unincorporated Areas of Muscatine County.
	Approximately 3.3 miles upstream of the confluence with Pine Creek.	+561	+560	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Mud Creek	Approximately 1.2 mile upstream of Story Avenue	None	+658	City of Wilton.
	Approximately 1.4 mile upstream of Story Avenue	None	+658	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Muscatine
Maps are available for inspection at 215 Sycamore Street, Muscatine, IA 52761.

City of Wilton
Maps are available for inspection at 104 East 4th Street, Wilton, IA 52778.

Unincorporated Areas of Muscatine County
Maps are available for inspection at 3610 Park Avenue West, Muscatine, IA 52761.

Crawford County, Illinois, and Incorporated Areas

Mill Creek	Approximately at 1800th Avenue	None	+452	Unincorporated Areas of Crawford County.
	Approximately 975 feet upstream of North Street	None	+452	
Mill Creek Tributary	Approximately 800 feet upstream of the confluence with Mill Creek.	+459	+458	Unincorporated Areas of Crawford County, Village of Hutsonville.
	Approximately 2,300 feet upstream of the confluence with Mill Creek.	None	+479	
Sugar Creek	Approximately at Franklin Road	+439	+442	Village of Palestine.
	Approximately 2,370 feet upstream of County Route 5	+445	+444	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Crawford County
Maps are available for inspection at the County Courthouse, 100 Douglas Street, Robinson, IL 62454.

Village of Hutsonville
Maps are available for inspection at the Village Hall, 113 South Main Street, Hutsonville, IL 62433.

Village of Palestine
Maps are available for inspection at the Village Hall, 301 South Main Street, Palestine, IL 62451.

Butler County, Kentucky, and Incorporated Areas

Barren River (Backwater effects from Green River).	From the confluence with the Green River to approximately 0.6 mile upstream of the confluence with Little Muddy Creek.	+423	+424	Unincorporated Areas of Butler County.
Big Bull Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 0.5 mile upstream of Johnson Cemetery Road.	None	+428	Unincorporated Areas of Butler County.
Big Reedy Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 1,202 feet downstream of the confluence with Big Reedy Creek Tributary 4.	None	+433	Unincorporated Areas of Butler County.
Deerlick Creek (Backwater effects from Green River).	From the confluence with the Mud River to approximately 935 feet upstream of Penrod Road.	None	+404	Unincorporated Areas of Butler County.
Deerlick Creek Tributary 6 (Backwater effects from Green River).	From the confluence with Deerlick Creek to approximately 765 feet upstream of the confluence with Deerlick Creek.	None	+404	Unincorporated Areas of Butler County.

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		Effective	Modified	
East Prong Indian Camp Creek (Backwater effects from Green River).	From the confluence with Indian Camp Creek to approximately 1,179 feet downstream of the confluence with East Prong Indian Camp Creek.	None	+415	Unincorporated Areas of Butler County.
Gary Creek (Backwater effects from Green River).	From the confluence with Little Reedy Creek to approximately 0.9 mile upstream of the confluence with Little Reedy Creek.	None	+429	Unincorporated Areas of Butler County.
Grassy Lick Creek (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 1.1 mile downstream of Sandy Creek Road.	None	+407	Unincorporated Areas of Butler County.
Green River	At the confluence with the Mud River	+403	+404	City of Morgantown, City of Rochester, Unincorporated Areas of Butler County.
	At approximately 1.7 mile upstream of Reedyville Road.	+437	+438	
Hickory Camp Creek (Backwater effects from Green River).	From the confluence with Panther Creek to approximately 478 feet upstream of the confluence with Hickory Camp Creek Tributary 1.	+403	+405	Unincorporated Areas of Butler County.
Hickory Camp Creek Tributary 1 (Backwater effects from Green River).	From the confluence with Hickory Camp Creek to approximately 676 feet upstream of the confluence with Hickory Camp Creek.	None	+405	Unincorporated Areas of Butler County.
Indian Camp Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 1.1 mile downstream of Dexterville-Gilstrap Road.	None	+415	Unincorporated Areas of Butler County.
Lindsey Creek (Backwater effects from Green River).	From the confluence with East Prong Indian Camp Creek to approximately 0.4 mile downstream of Brownsville Road.	None	+415	Unincorporated Areas of Butler County.
Little Bull Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 0.6 mile upstream of the confluence with Tallow Branch.	None	+425	Unincorporated Areas of Butler County.
Little Reedy Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 0.9 mile upstream of the confluence with Rosy Creek.	None	+429	Unincorporated Areas of Butler County.
Meffords Branch (Backwater effects from Green River).	From the confluence with the Mud River to approximately 1,425 feet upstream of Perry Harper Road.	None	+404	Unincorporated Areas of Butler County.
Meffords Branch Tributary 4 (Backwater effects from Green River).	From the confluence with Meffords Branch to approximately 0.6 mile upstream of the confluence with Meffords Branch.	None	+404	Unincorporated Areas of Butler County.
Mud River (Backwater effects from Green River).	From the confluence with the Green River to approximately 2.2 miles upstream of the confluence with Deerlick Creek.	+403	+404	Unincorporated Areas of Butler County, City of Rochester.
Mud River Tributary 17 (Backwater effects from Green River).	From the confluence with the Green River to approximately 314 feet upstream of Rochester Road.	+403	+404	Unincorporated Areas of Butler County, City of Rochester.
Mud River Tributary 17.2 (Backwater effects from Green River).	From the confluence with Mud River Tributary 17 to approximately 312 feet upstream of Rochester Road.	None	+404	Unincorporated Areas of Butler County.
Muddy Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 877 feet upstream of the confluence with Muddy Creek Tributary 18.	None	+407	Unincorporated Areas of Butler County.
Muddy Creek Tributary 18 (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 1,306 feet upstream of the confluence with Muddy Creek.	None	+407	Unincorporated Areas of Butler County.
Muddy Creek Tributary 27 (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 1,421 feet downstream of Muddy Creek Tributary 27.2.	None	+407	Unincorporated Areas of Butler County.
Muddy Creek Tributary 39.1 (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 669 feet downstream of Muddy Creek Tributary 39.1.	None	+407	Unincorporated Areas of Butler County.
Panther Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 1,550 feet downstream of G. Southerland Road.	+403	+405	Unincorporated Areas of Butler County.
Pipe Spring Hollow (Backwater effects from Green River).	From the confluence with the Green River to just downstream of William H. Natcher Parkway.	+409	+408	Unincorporated Areas of Butler County.

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Pitman Creek (Backwater effects from Green River).	From the confluence with Welch Creek to approximately 554 feet upstream of the confluence with Pitman Creek Tributary 3.	None	+419	Unincorporated Areas of Butler County.
Pitman Creek Tributary 3 (Backwater effects from Green River).	From the confluence with Pitman Creek to approximately 280 feet upstream of the confluence with Pitman Creek.	None	+419	Unincorporated Areas of Butler County.
Renfrow Creek (Backwater effects from Green River).	From the confluence with the Green River to approximately 177 feet downstream of Bowling Green Road.	None	+419	Unincorporated Areas of Butler County.
Renfrow Creek Tributary 6 (Backwater effects from Green River).	From the confluence with Renfrow Creek to approximately 1,236 feet downstream of Embry Way.	None	+419	Unincorporated Areas of Butler County.
Renfrow Creek Tributary 7 (Backwater effects from Green River).	From the confluence with Renfrow Creek to just downstream of South Main Street.	None	+419	Unincorporated Areas of Butler County.
Renfrow Creek Tributary 8 (Backwater effects from Green River).	From the confluence with Renfrow Creek to approximately 0.5 mile upstream of the confluence with Renfrow Creek.	None	+419	Unincorporated Areas of Butler County.
Renfrow Creek Tributary 9 (Backwater effects from Green River).	From the confluence with Renfrow Creek to just upstream of East Whalen Road.	None	+419	Unincorporated Areas of Butler County.
Rosy Creek (Backwater effects from Green River).	From the confluence with Little Reedy Creek to approximately 0.7 mile upstream of the confluence with Little Reedy Creek.	None	+429	Unincorporated Areas of Butler County.
Sandy Creek (Backwater effects from Green River).	From the confluence with Muddy Creek to approximately 494 feet downstream of Martin Road.	None	+407	Unincorporated Areas of Butler County.
Sandy Creek Tributary 5 (Backwater effects from Green River).	From the confluence with Sandy Creek to just upstream of Dunbar-Leetown Road.	None	+407	Unincorporated Areas of Butler County.
Tallow Branch (Backwater effects from Green River).	From the confluence with Little Bull Creek to approximately 0.5 mile upstream of the confluence with Little Bull Creek.	None	+426	Unincorporated Areas of Butler County.
Welch Creek (Backwater effects from Green River).	From the confluence with the Green River to just downstream of Brownsville Road.	None	+419	Unincorporated Areas of Butler County.
West Prong Indian Camp Creek (Backwater effects from Green River).	From the confluence with Indian Camp Creek to approximately 3.7 miles upstream of the confluence with Indian Camp Creek.	None	+414	Unincorporated Areas of Butler County.
Wolfpen Hollow (Backwater effects from Green River).	From the confluence with East Prong Indian Camp Creek to approximately 1,205 feet downstream of McKendree Chapel Road.	None	+415	Unincorporated Areas of Butler County.

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ADDRESSES

City of Morgantown
Maps are available for inspection at City Hall, 117 North Main Street, Morgantown, KY 42261.

City of Rochester
Maps are available for inspection at City Hall, 672 Russellville Street, Rochester, KY 42273.

Unincorporated Areas of Butler County
Maps are available for inspection at the County Courthouse, 110 North Main Street, Morgantown, KY 42261.

Hart County, Kentucky, and Incorporated Areas

Bacon Creek (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 0.7 mile upstream of Charles Jaggers Road.	None	+560	Unincorporated Areas of Hart County.
Bacon Creek Tributary 41 (Backwater effects from Nolin Lake).	From the confluence with Bacon Creek to approximately 0.5 mile upstream of the confluence with Bacon Creek.	None	+560	Unincorporated Areas of Hart County.

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Cane Run (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 0.5 mile upstream of the confluence with Cane Run Tributary 11.	None	+560	Unincorporated Areas of Hart County.
Cane Run Tributary 13 (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 0.8 mile upstream of the confluence with Nolin Lake.	None	+560	Unincorporated Areas of Hart County.
Little Dog Creek (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 1.3 mile upstream of the confluence with Nolin Lake.	None	+560	Unincorporated Areas of Hart County.
Nolin Lake	Entire shoreline	None	+560	Unincorporated Areas of Hart County.
Nolin River (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 3.1 miles downstream of Wheelers Mill Road.	None	+560	Unincorporated Areas of Hart County.
Nolin River Tributary 2 (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 1,692 feet upstream of the confluence with Nolin Lake.	None	+560	Unincorporated Areas of Hart County.
Nolin River Tributary 24 (Backwater effects from Nolin Lake).	From the confluence with Nolin Lake to approximately 268 feet upstream of Robbin Lane.	None	+560	Unincorporated Areas of Hart County.

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ADDRESSES

Unincorporated Areas of Hart County

Maps are available for inspection at the Hart County Courthouse, 200 Main Street, Munfordville, KY 42765.

Lawrence County, Kentucky, and Incorporated Areas

Big Branch (Backwater effects from Yatesville Lake).	From the confluence with Brushy Creek to approximately 1.6 mile upstream of the confluence with Brushy Creek.	None	+644	Unincorporated Areas of Lawrence County.
Blaine Creek	Just downstream of the confluence with Hood Creek	None	+650	City of Blaine.
	Approximately 0.5 mile upstream of the confluence with Hood Creek.	None	+652	
Blaine Creek (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 2.0 miles upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Borders Branch (Backwater effects from Levisa Fork).	From the confluence with Levisa Fork to approximately 0.4 mile upstream of the confluence with Levisa Fork.	None	+598	Unincorporated Areas of Lawrence County.
Brushy Creek (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 1.6 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Daniels Creek (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.5 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Greenbrier Creek (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.6 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Harriet Branch (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.5 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Hood Creek (Backwater effects from Blaine Creek).	From the confluence with Blaine Creek to approximately 1,700 feet upstream of the confluence with Blaine Creek.	None	+650	City of Blaine.
Irish Creek (Backwater effects from Yatesville Lake).	From the confluence with Blaine Creek to approximately 2.0 miles upstream of the confluence with Blaine Creek.	None	+644	Unincorporated Areas of Lawrence County.

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Left Fork Little Blaine Creek (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.9 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Levisa Fork	At the confluence with Lick Creek East	None	+575	City of Louisa.
	Approximately 1.5 mile downstream of KY–644	None	+575	
Lick Creek East (Backwater effects from Levisa Fork).	From the confluence with Levisa Fork to Locust Street.	None	+567	City of Louisa.
Newcomb Creek (Backwater effects from Blaine Creek).	From approximately 350 feet upstream of KY–707 to approximately 0.5 mile upstream of KY–707.	None	+567	Unincorporated Areas of Lawrence County.
Pleas Creek (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.3 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Rich Creek (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.9 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Right Fork Irish Creek (Backwater effects from Yatesville Lake).	From the confluence with Irish Creek to approximately 1,100 feet upstream of the confluence with Irish Creek.	None	+644	Unincorporated Areas of Lawrence County.
Right Fork Little Blaine Creek (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 1.1 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Rockcastle Creek (Backwater effects from Tug Fork).	From just upstream of the confluence with Tug Fork to approximately 2.2 miles upstream of the confluence with Tug Fork.	None	+598	Unincorporated Areas of Lawrence County.
Two Mile Creek (Backwater effects from Big Sandy River).	From CSX Railroad to approximately 600 feet upstream of CSX Railroad.	None	+572	City of Louisa.
Upper Twin Branch (Backwater effects from Yatesville Lake).	From the confluence with Yatesville Lake to approximately 0.3 mile upstream of the confluence with Yatesville Lake.	None	+644	Unincorporated Areas of Lawrence County.
Yatesville Lake	Entire shoreline	None	+644	Unincorporated Areas of Lawrence County.

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ADDRESSES

City of Blaine

Maps are available for inspection at 591 KY–201 South, Blaine, KY 41124.

City of Louisa

Maps are available for inspection at 215 North Main Cross Street, Louisa, KY 41230.

Unincorporated Areas of Lawrence County

Maps are available for inspection at 122 Ricky Skaggs Boulevard, Louisa, KY 41230.

Meade County, Kentucky, and Incorporated Areas

Ohio River	Approximately 2.8 miles upstream of the confluence with Watson Run (River Mile 683.25).	+420	+421	City of Brandenburg, Unincorporated Areas of Meade County.
	Approximately 0.7 mile downstream of Lock and Dam No. 43 (River Mile 634.0).	+441	+442	

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ADDRESSES

City of Brandenburg

Maps are available for inspection at 737 High Street, Brandenburg, KY 40108.

Unincorporated Areas of Meade County

Maps are available for inspection at the Office of the Executive County Judge, 516 Fairway Drive, Brandenburg, KY 40108.

Scott County, Kentucky, and Incorporated Areas

Dry Run	Approximately 0.5 mile upstream of the confluence with North Elkhorn Creek.	+800	+801	City of Georgetown, Unincorporated Areas of Scott County.
	Approximately 1.2 mile upstream of Burton Pike	None	+880	
Dry Run Tributary 1 (Backwater effects from Dry Run).	From the confluence with Dry Run to approximately 0.3 mile downstream of I–75.	None	+828	Unincorporated Areas of Scott County.
Hall Branch (Backwater effects from Eagle Creek).	From the confluence with Eagle Creek to approximately 0.3 mile upstream of Hinton-Sadieville Road.	None	+780	Unincorporated Areas of Scott County.
Lane Run	At the confluence with North Elkhorn Creek	+812	+811	City of Georgetown, Unincorporated Areas of Scott County.
	Approximately 850 feet upstream of Delaplain Road	None	+889	
McCracken Creek (Backwater effects from North Elkhorn Creek).	From the confluence with North Elkhorn Creek to approximately 269 feet downstream of the confluence with McCracken Creek Tributary 2.	None	+782	City of Georgetown, Unincorporated Areas of Scott County.
Royal Springs Creek (Backwater effects from North Elkhorn Creek).	From the confluence with North Elkhorn Creek to approximately 0.4 mile upstream of Paddler Lane.	None	+798	City of Georgetown, Unincorporated Areas of Scott County.
South Elkhorn Creek	Just downstream of South Weisenberger Mill Road	None	+813	Unincorporated Areas of Scott County.
	At the confluence with Town Branch	None	+816	
Spoon Branch (Backwater effects from Eagle Creek).	From Sadieville Road to approximately 783 feet upstream of Sadieville Road.	None	+778	City of Georgetown, Unincorporated Areas of Scott County.
Town Branch (Backwater effects from South Elkhorn Creek).	From the confluence with South Elkhorn Creek to approximately 0.4 mile upstream of the confluence with South Elkhorn Creek.	None	+816	Unincorporated Areas of Scott County.

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ADDRESSES

City of Georgetown

Maps are available for inspection at City Hall, 100 Court Street, Georgetown, KY 40324.

Unincorporated Areas of Scott County

Maps are available for inspection at 100 East Main Street, Georgetown, KY 40324.

Avoyelles Parish, Louisiana, and Incorporated Areas

Bayou Blanc	At the confluence with the Petite Riviere	None	+63	Unincorporated Areas of Avoyelles Parish.
	Approximately 300 feet upstream of the confluence with the Petite Riviere.	None	+63	
Bayou Perit	Approximately 720 feet downstream of Garan Lane	None	+59	Unincorporated Areas of Avoyelles Parish.
	Just downstream of Garan Lane	None	+60	

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ADDRESSES

Unincorporated Areas of Avoyelles Parish

Maps are available for inspection at 312 North Main Street, Marksville, LA 71351.

Ouachita Parish, Louisiana, and Incorporated Areas

Black Bayou	Just upstream of Glenwood Drive	+74	+75	City of West Monroe, Unincorporated Areas of Ouachita Parish.
	Just downstream of Blanchard Street	+80	+79	
Black Bayou Lake	Approximately 1.6 mile downstream of Swatz Fairbanks Road.	+76	+75	Unincorporated Areas of Ouachita Parish.
	Just upstream of Swatz Fairbanks Road	+96	+95	
Black Bayou Tributary	Approximately 500 feet downstream of McMillan Road	+80	+79	City of West Monroe, Unincorporated Areas of Ouachita Parish.
	Approximately 1,320 feet upstream of Norris Road	None	+115	
Canal L–11	Approximately 890 feet downstream of Stubbs Vinson Road.	+70	+69	Unincorporated Areas of Ouachita Parish.
	Approximately 430 feet downstream of Chauvin Bayou/Canal L–11 Control Structure.	+74	+73	
East Branch Oliver Road Canal.	Just downstream of the unnamed railroad	+74	+75	City of Monroe.
	Approximately 500 feet upstream of Emerson Street	#1	+76	
Gravel Pit Branch	At the confluence with Black Bayou	+80	+79	City of West Monroe.
	Just upstream of I–20	+86	+89	
Oliver Road Canal	Just downstream of Breard Road	+71	+72	City of West Monroe.
	Approximately 0.4 mile downstream of Oliver Road	+75	+76	
Ouachita River	Just upstream of Horseshoe Lake Road	None	+87	Town of Sterlington, Unincorporated Areas of Ouachita Parish.
	Approximately 1.0 mile upstream of Ouachita City Road.	None	+88	
Tupawek Bayou	Approximately 1,000 feet downstream of Dean Chapel Road.	None	+97	Unincorporated Areas of Ouachita Parish.
	Approximately 680 feet downstream of Laird Road	None	+139	
West Prong	Just upstream of Millhaven Road	+69	+70	City of Monroe.
Youngs Bayou	Just upstream of 18th Street	+75	+74	

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ADDRESSES

City of Monroe

Maps are available for inspection at the Engineering Department, 400 Lea Joyner Expressway, Monroe, LA 71210.

City of West Monroe

Maps are available for inspection at the Planning and Zoning Office, 2305 North 7th Street, West Monroe, LA 71291.

Town of Sterlington

Maps are available for inspection at the Public Works Department, 103 High Street, Sterlington, LA 71280.

Unincorporated Areas of Ouachita Parish

Maps are available for inspection at the Ouachita Parish Health Unit, 1650 Desiard Street, Suite 202, Monroe, LA 71201.

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Ottawa County, Michigan (All Jurisdictions)				
Alward Drain	At the confluence with Rush Creek	None	+615	Charter Township of Georgetown, City of Hudsonville.
	Approximately 80 feet upstream of 36th Avenue	None	+623	
Bareman Drain	At the confluence with County Drain No. 15 & 17	None	+615	Township of Holland.
	Approximately 80 feet upstream of Quincy Street	None	+633	
Bark Creek	At the confluence with Bruces Bayou	None	+590	Township of Crockery.
	Approximately 0.6 mile downstream of Cleveland Street.	None	+590	
Bass Creek	At the confluence with the Grand River	None	+595	Charter Township of Allendale.
	Approximately 0.5 mile upstream of Bass Drive	None	+595	
Bliss Creek Intercounty Drain	Approximately 975 feet downstream of Port Sheldon Street.	+607	+608	Charter Township of Georgetown.
	At the confluence with Knight Intercounty Drain	+645	+646	
Bliss Creek Intercounty Drain Diversion Channel.	At the downstream side of Stonehenge Drive	+627	+628	Charter Township of Georgetown.
	At the divergence from Bliss Creek Intercounty Drain	+632	+633	
Buttermilk Creek	Approximately 680 feet downstream of Oak Street	+617	+618	City of Hudsonville, Township of Jamestown.
	Approximately 155 feet upstream of Quincy Street	None	+685	
Castle Creek	At the confluence with the Grand River	None	+595	Charter Township of Polkton.
	Approximately 0.6 mile upstream of Leonard Street	None	+595	
County Drain No. 15 & 17	At the confluence with County Drain No. 8, North Holland Drain, and County Drain No. 40.	+612	+611	Township of Holland.
	Approximately 1,520 feet upstream of Riley Street	None	+619	
County Drain No. 28	At the confluence with County Drain No. 40 and Windmill Creek.	+596	+593	Township of Holland.
	Approximately 125 feet upstream of James Street	None	+607	
County Drain No. 4 & 43	At the confluence with Noordeloos Creek	+596	+597	Township of Holland.
	Approximately 0.4 mile upstream of 104th Avenue	+596	+597	
County Drain No. 40	At the confluence with County Drain No. 28 and Windmill Creek.	+596	+593	Township of Holland.
	At the confluence with County Drain No. 8, North Holland Drain, and County Drain No. 15 & 17.	+612	+611	
County Drain No. 8 and North Holland Drain.	At the confluence with County Drain No. 15 & 17 and County Drain No. 40.	+612	+611	Township of Holland.
	Approximately 130 feet upstream of Quincy Street	None	+625	
Crockery Creek	At the confluence with the Grand River	None	+591	Township of Crockery.
	At the upstream side of Fitzgerald Street	None	+591	
DeWeerd Drain	At the confluence with Rush Creek	+609	+610	Charter Township of Georgetown, City of Hudsonville, Township of Jamestown.
	Approximately 570 feet upstream of I-196 North	None	+661	
Deer Creek	At the upstream side of the I–96 West	None	+614	Charter Township of Polkton.
Deer Creek	At the confluence with the Grand River	None	+597	Charter Township of Polkton, Charter Township of Tallmadge.
	Approximately 1 mile upstream of Leonard Street	None	+597	
Deer Creek of Crockery	At the confluence with Bruces Bayou	None	+589	Township of Crockery.
	At the downstream side of Leonard Road	None	+589	
East Georgetown Shores Lake.	Entire shoreline	None	+609	Charter Township of Georgetown.
Fort Village Creek	At the confluence with Crockery Creek	None	+591	Township of Crockery.
	Approximately 1,300 feet downstream of 104th Avenue.	None	+591	
Grand River	Approximately 0.6 mile upstream of the confluence with Mill House Bayou.	None	+588	Charter Township of Allendale, Charter Township of Polkton, Township of Crockery, Township of Robinson, Charter Township of Tallmadge.

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	Approximately 350 feet upstream of Lake Michigan Drive.	+601	+600	
Huizenga Intercounty Drain ..	At the confluence with Rush Creek	+605	+606	Charter Township of Georgetown.
	At the downstream side of Kenowa Avenue Southwest.	+615	+616	
Knight Intercounty Drain	At the confluence with Bliss Creek Intercounty Drain ..	+645	+646	Charter Township of Georgetown, Township of Jamestown.
	At the downstream side of Kenowa Avenue Southwest.	None	+651	
Little Robinson Bayou	At the confluence with the Grand River	None	+588	Township of Robinson.
	At the downstream side of 128th Avenue	None	+588	
Macatawa River/Black Creek of Zeeland Drain.	Approximately 0.8 mile upstream of River Avenue	+585	+584	City of Holland, Township of Holland, Township of Zeeland.
	Approximately 400 feet upstream of Felch Street	None	+607	
Meadowbrook Drain	At the confluence with Bliss Creek Intercounty Drain ..	None	+616	Charter Township of Georgetown.
	Approximately 620 feet upstream of 8th Avenue	None	+618	
Miller I.C.	At the confluence with Bliss Creek, Intercounty Drain, and Knight Intercounty Drain.	+645	+646	Charter Township of Georgetown, Township of Jamestown.
	Approximately 600 feet downstream of Ransom Street Southwest.	None	+650	
Morning Dew Lake	Entire shoreline	None	+610	Township of Holland.
Noordeloos Creek	At the confluence with Black Creek of Zeeland Drain	+596	+597	City of Holland, City of Zeeland, Township of Holland.
	Downstream side of Paw Paw Drive	None	+600	
Northwest Branch of Rush Creek.	Upstream side of 40th Avenue	None	+615	Charter Township of Georgetown.
	Downstream side of 48th Avenue	None	+635	
Ottawa Creek & Ext. Drain/ Ottawa Creek/Curry Drain.	At the confluence with the Grand River	+600	+599	Charter Township of Allendale.
	Approximately 125 feet downstream of 40th Avenue ..	+600	+599	
Rush Creek	Upstream side of Main Street	+604	+606	City of Hudsonville, Charter Township of Georgetown.
	Downstream side of 40th Avenue	None	+615	
South Branch	At the confluence with Black Creek of Zeeland Drain	None	+602	Township of Zeeland.
	Approximately 0.6 mile downstream of Lizbeth Drive ..	None	+602	
Sterns Bayou and Sterns Creek.	At the downstream corporate limits of the Township of Robinson.	None	+588	Township of Robinson.
	Downstream side of Ferris Street	None	+588	
Traders Creek	At the confluence with the Grand River	None	+597	Charter Township of Allendale.
	Approximately 830 feet downstream of 60th Avenue ..	None	+597	
Trout Drain	At the confluence with DeWeerd Drain	None	+612	Charter Township of Georgetown, City of Hudsonville.
	Approximately 315 feet west of 22nd Avenue	None	+623	
Tulip Intercounty Drain	At the confluence with Black Creek of Zeeland Drain	+598	+597	Township of Holland.
	Approximately 0.4 mile upstream of Adams Street	+598	+597	
Unnamed Tributary 1 to Buttermilk Creek.	At the confluence with Buttermilk Creek	None	+651	City of Hudsonville.
	Approximately 105 feet upstream of northbound I–196	None	+670	
Unnamed Tributary 1 to Crockery Creek.	At the confluence with Crockery Creek	None	+591	Township of Crockery.
	Approximately 850 feet downstream of Leonard Street	None	+591	
Unnamed Tributary 1 to Grand River.	At the confluence with Grand River	None	+594	Charter Township of Polkton.
	Approximately 1,900 feet upstream of the confluence with Grand River.	None	+594	
Unnamed Tributary 2 to Buttermilk Creek.	At the confluence with Buttermilk Creek	None	+673	Township of Jamestown.
	Approximately 100 feet downstream of Quincy Street	None	+702	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Unnamed Tributary 2 to Crockery Creek.	At the confluence with Crockery Creek	None	+591	Township of Crockery.
	At the downstream side of I–96 East	None	+591	
Unnamed Tributary 2 to Grand River.	At the confluence with the Grand River	None	+596	Charter Township of Polkton.
	Approximately 780 feet upstream of Leonard Street	None	+596	
Unnamed Tributary 3 to Crockery Creek.	At the confluence with Crockery Creek	None	+591	Township of Crockery.
	At the downstream side of 104th Avenue	None	+591	
Unnamed Tributary 3 to Grand River.	At the confluence with the Grand River	None	+596	Charter Township of Polkton.
	Approximately 930 feet upstream of Leonard Street	None	+596	
Unnamed Tributary 4 to Crockery Creek.	At the confluence with Crockery Creek	None	+591	Township of Crockery.
	Approximately 850 feet downstream of Fitzgerald Street.	None	+591	
Unnamed Tributary 4 to Grand River.	At the confluence with the Grand River	None	+596	Charter Township of Polkton.
	Approximately 1,400 feet upstream of Leonard Street	None	+596	
Unnamed Tributary of Bruces Bayou.	At the confluence with Bruces Bayou	None	+589	Township of Crockery.
	Approximately 0.5 mile upstream of the confluence with Bruces Bayou.	None	+589	
Unnamed Tributary to Bark Creek.	At the confluence with Bark Creek	None	+590	Township of Crockery.
	At the downstream side of Leonard Road	None	+590	
Unnamed Tributary to Castle Creek.	At the confluence with Castle Creek	None	+595	Charter Township of Polkton.
	Approximately 1,200 feet upstream of the confluence with Castle Creek.	None	+595	
Vans Bypass	At the confluence with Bareman Drain	None	+618	Township of Holland.
	At the divergence from County Drain No. 15 & 17	None	+619	
West Georgetown Shores Lake.	Entire shoreline	None	+609	Charter Township of Georgetown.
Windmill Creek	At the confluence with the Macatawa River	+592	+593	Township of Holland.
	At the confluence with County Drain No. 28 and County Drain No. 40.	+596	+593	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Charter Township of Allendale
Maps are available for inspection at 6676 Lake Michigan Drive, Allendale, MI 49401.

Charter Township of Georgetown
Maps are available for inspection at 1515 Baldwin Street, Jenison, MI 49428.

Charter Township of Polkton
Maps are available for inspection at 6900 Arthur Street West, Coopersville, MI 49404.

Charter Township of Tallmadge
Maps are available for inspection at 0–1451 Leonard Street Northwest, Grand Rapids, MI 49534.

City of Holland
Maps are available for inspection at 270 River Avenue, Holland, MI 49423.

City of Hudsonville
Maps are available for inspection at 3275 Central Boulevard, Hudsonville, MI 49426.

City of Zeeland
Maps are available for inspection at 21 South Elm Street, Zeeland, MI 49464.

Township of Crockery
Maps are available for inspection at 17431 112th Avenue, Nunica, MI 49448.

Township of Holland

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Maps are available for inspection at 353 North 120th Avenue, Holland, MI 49424.

Township of Jamestown

Maps are available for inspection at 2380 Riley Street, Jamestown, MI 49427.

Township of Robinson

Maps are available for inspection at 12010 120th Avenue, Grand Haven, MI 49417.

Township of Zeeland

Maps are available for inspection at 6582 Byron Road, Zeeland, MI 49464.

Adams County, Mississippi, and Incorporated Areas

Mississippi River	Approximately 1.9 mile downstream of John R. Junkin Drive.	None	+76	Unincorporated Areas of Adams County.
	Approximately 1.3 mile downstream of John R. Junkin Drive.	None	+76	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
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ADDRESSES

Unincorporated Areas of Adams County

Maps are available for inspection at 115 South Wall Street, Natchez, MS 39210.

Noxubee County, Mississippi, and Incorporated Areas

Tombigbee River	At the Lowndes County boundary	None	+155	Unincorporated Areas of Noxubee County.
	Approximately 3.1 miles upstream of the Lowndes County boundary.	None	+156	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
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** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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ADDRESSES

Unincorporated Areas of Noxubee County

Maps are available for inspection at the Noxubee County Courthouse, 505 South Jefferson Street, Macon, MS 39341.

Camden County, Missouri, and Incorporated Areas

Niangua River	Approximately 0.9 mile downstream of U.S. Route 54	None	+668	City of Camdenton.
	Approximately 0.7 mile downstream of U.S. Route 54	None	+668	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Camdenton

Maps are available for inspection at City Hall, 437 West U.S. Route 54, Camdenton, MO 65020.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Cape Girardeau County, Missouri, and Incorporated Areas				
Apple Creek	Approximately 1,010 feet downstream of U.S. Route 61.	None	+399	Village of Old Appleton.
	Approximately 200 feet upstream of U.S. Route 61	None	+403	
Goose Creek	Approximately 0.4 mile downstream of County Road 302.	None	+475	Unincorporated Areas of Cape Girardeau County.
	Approximately 0.5 mile upstream of County Road 302	None	+503	
Goose Creek East Fork	Just upstream of the confluence with Goose Creek	None	+485	Unincorporated Areas of Cape Girardeau County.
	Approximately 1,490 feet upstream of the confluence with Goose Creek.	None	+503	
Hubble Creek	Approximately 0.5 mile upstream of Sunset Hills Drive	None	+449	Unincorporated Areas of Cape Girardeau County.
	Approximately 100 feet upstream of the Southbound Ramp of I–55.	None	+508	
Unnamed Tributary to Hubble Creek (Backwater effects from Hubble Creek).	Approximately 500 feet upstream from the confluence with Hubble Creek.	None	+441	Unincorporated Areas of Cape Girardeau County.
	Approximately 635 feet upstream from the confluence with Hubble Creek.	None	+441	
Mississippi River	Approximately 4.6 miles downstream of State Route 140.	+351	+348	City of Cape Girardeau, Unincorporated Areas of Cape Girardeau County.
	Approximately 24.6 miles upstream of State Route 140.	+370	+368	
Ramsey Branch	Approximately 100 feet upstream of I–55	None	+355	City of Cape Girardeau, Unincorporated Areas of Cape Girardeau County.
	Approximately 1.5 mile upstream of County Road 314	None	+474	
Rocky Branch	Approximately 200 feet upstream of North Farmington Road.	None	+470	Unincorporated Areas of Cape Girardeau County.
	Approximately 0.6 mile upstream of North Farmington Road.	None	+488	
Rocky Branch West Fork	Just upstream of the confluence with Rocky Branch	None	+410	City of Jackson, Unincorporated Areas of Cape Girardeau County.
	Approximately 260 feet upstream of Old Toll Road	None	+446	
Veterans Fork	Approximately 1,775 feet downstream of State Highway K.	None	+395	City of Cape Girardeau, Unincorporated Areas of Cape Girardeau County.
	Approximately 1,575 feet upstream of County Road 314.	None	+453	
Williams Creek	Just upstream of County Road 318	+405	+404	City of Jackson, Unincorporated Areas of Cape Girardeau County.
	Approximately 1,003 feet upstream of Bainbridge Road.	+438	+441	

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+ North American Vertical Datum.
# Depth in feet above ground.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Cape Girardeau

Maps are available for inspection at City Hall, 401 Independence Street, Cape Girardeau, MO 63703.

City of Jackson

Maps are available for inspection at City Hall, 101 Court Street, Jackson, MO 63755.

Unincorporated Areas of Cape Girardeau County

Maps are available for inspection at the Cape Girardeau County Courthouse, 1 Barton Square, Jackson, MO 63755.

Village of Old Appleton

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Maps are available for inspection at the Village of Old Appleton Town Hall, P.O. Box 61, Old Appleton, MO 63770.				
Tioga County, New York (All Jurisdictions)				
Apalachin Creek	At the confluence with the Susquehanna River	+825	+826	Town of Owego.
	Approximately 1,729 feet upstream of Main Street	+825	+826	
Owego Creek	At the confluence with the Susquehanna River	+814	+813	Town of Tioga, Village of Owego.
	Approximately 3,529 feet upstream of Waverly Road/ West Main Street.	+814	+813	
Susquehanna River	Approximately 2.3 miles upstream of State Highway 17.	+780	+781	Town of Barton, Town of Nichols, Town of Owego, Town of Tioga, Village of Nichols, Village of Owego.
	Approximately 2.4 miles upstream of Valley View Drive.	+828	+829	
West Branch Owego Creek	Approximately 2.86 miles upstream of West Newark Cross Road.	None	+1,028	Town of Berkshire.
	Approximately 2.95 miles upstream of West Newark Cross Road.	None	+1,029	

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+ North American Vertical Datum.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of Barton
Maps are available for inspection at the Barton Town Hall, 304 Route 17C, Waverly, NY 14892.

Town of Berkshire
Maps are available for inspection at the Berkshire Town Hall, 18 Railroad Avenue, Berkshire, NY 13736.

Town of Nichols
Maps are available for inspection at the Nichols Town Hall, 54 East River Road, Nichols, NY 13812.

Town of Owego
Maps are available for inspection at the Owego Town Hall, 2354 State Route 434, Apalachin, NY 13812.

Town of Tioga
Maps are available for inspection at the Tioga Town Hall, 54 5th Avenue, Tioga Center, NY 13845.

Village of Nichols
Maps are available for inspection at the Nichols Town Hall, 54 East River Road, Nichols, NY 13812.

Village of Owego
Maps are available for inspection at the Owego Village Municipal Building, Old Jail, 178 Main Street, Owego, NY 13827.

Guernsey County, Ohio, and Incorporated Areas				
Clear Fork	Approximately 175 feet downstream of Birmingham Road.	None	+830	Unincorporated Areas of Guernsey County.
	Approximately 0.5 mile upstream of Birmingham Road	None	+837	
Leatherwood Creek	Approximately 174 feet upstream of Linn Road	None	+874	Unincorporated Areas of Guernsey County, Village of Quaker City.
	At the upstream side of Eldon Road	None	+880	
Wills Creek	Approximately 115 feet downstream of CSX Railroad	None	+802	Unincorporated Areas of Guernsey County.
	Approximately 191 feet upstream of SR 313	None	+803	
Wills Creek and Buffalo Creek.	Approximately 0.4 mile downstream of SR 146	None	+803	Unincorporated Areas of Guernsey County, Village of Pleasant City.
	Approximately 0.5 mile upstream of SR 146	None	+806	
Wills Creek at Kimbolton	Approximately 375 feet downstream of Main Street	None	+776	Unincorporated Areas of Guernsey County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 0.8 mile upstream of Main Street	None	+777	

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+ North American Vertical Datum.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Guernsey County

Maps are available for inspection at 62782 Bennett Avenue, Cambridge, OH 43725.

Village of Pleasant City

Maps are available for inspection at 62782 Bennett Avenue, Cambridge, OH 43725.

Village of Quaker City

Maps are available for inspection at 126 Fair Street, Quaker City, OH 43773.

Rogers County, Oklahoma, and Incorporated Areas

Spunky Creek	Approximately 568 feet downstream of I–44	None	+580	Town of Fair Oaks.
	Approximately 1,036 feet upstream of I–44	None	+580	
Spunky Creek Tributary	At the confluence with Spunky Creek	None	+580	Town of Fair Oaks.
	Approximately 866 feet upstream of the confluence with Spunky Creek.	None	+580	
Verdigris River and flooding effects of the Verdigris River.	Approximately 1,080 feet downstream of the confluence with Unnamed Stream.	None	+580	Town of Fair Oaks.
	Approximately 621 feet downstream of the confluence with Unnamed Stream.	None	+580	

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ADDRESSES

Town of Fair Oaks

Maps are available for inspection at 219 South Missouri Street, Claremore, OK 74017.

Meade County, South Dakota, and Incorporated Areas

Bear Butte Creek	Approximately 3,000 feet downstream of Blanche Street.	None	+3,341	Unincorporated Areas of Meade County.
	Approximately 1,632 feet downstream of Blanche Street.	None	+3,351	
	Approximately 675 feet upstream of 14th Street	+3,472	+3,473	
	Approximately 630 feet upstream of 13th Street	+3,482	+3,480	
Blackhawk Creek	Approximately 20 feet downstream of Deadwood Avenue North.	None	+3,382	Unincorporated Areas of Meade County.
	Approximately 3,800 feet upstream of Anderson Road	None	+3,754	
Cook Canyon Creek	Approximately 2,550 feet upstream of Short Track Road.	None	+3,593	Unincorporated Areas of Meade County.
	Approximately 450 feet upstream of I–90	None	+3,596	
Deadman Gulch	Approximately 180 feet upstream of Ballpark Road	+3,509	+3,506	Unincorporated Areas of Meade County.
	Approximately 250 feet downstream of I–90 West	+3,534	+3,530	
	Approximately 50 feet upstream of Elk Road	None	+3,604	
	Approximately 100 feet upstream of Elk Road	None	+3,808	
Dolan Creek	Approximately 500 feet upstream of West Farley Street.	None	+3,452	Unincorporated Areas of Meade County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 1,250 feet downstream of I–90	None	+3,466	
	Approximately 80 feet upstream of Pine Glenn Drive	None	+3,579	
	Approximately 160 feet upstream of Glenn Ridge Court.	None	+3,615	
East Vanocker Creek	Approximately 50 feet downstream of Chicago and Northwestern Railroad.	None	+3,555	Unincorporated Areas of Meade County.
	Approximately 1,660 feet upstream of Chicago and Northwestern Railroad.	None	+3,564	
Middle Cook Canyon Creek	Approximately 1,400 feet upstream of Short Track Road.	None	+3,562	Unincorporated Areas of Meade County.
	Approximately 1,950 feet upstream of Short Track Road.	None	+3,596	
South Cook Canyon Creek	Approximately 1,050 feet upstream of Short Track Road.	None	+3,552	Unincorporated Areas of Meade County.
	Approximately 1,835 feet upstream of Short Track Road.	None	+3,582	
South Dolan Creek	Approximately 2,050 feet upstream of Dolan Creek Road.	None	+3,572	Unincorporated Areas of Meade County.
	Approximately 2,400 feet upstream of Dolan Creek Road.	None	+3,575	
Vanocker Creek	Approximately 900 feet downstream of Harmon Street	None	+3,462	Unincorporated Areas of Meade County.
	Approximately 125 feet downstream of Harmon Street	None	+3,472	
	Approximately 30 feet upstream of Vanocker Canyon Road.	None	+3,596	
	Approximately 200 feet upstream of Vanocker Canyon Road.	None	+3,597	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
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** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Meade County

Maps are available for inspection at the Meade County Courthouse, 1425 Sherman Street, Sturgis, SD 57785.

Grant County, Wisconsin, and Incorporated Areas

Mississippi River	Approximately 2.4 miles downstream of Lock and Dam No. 11.	+611	+610	Unincorporated Areas of Grant County, Village of Potosi.
	Approximately 10.8 miles upstream of Lock and Dam No. 11.	+614	+613	
Mississippi River	Approximately 7.4 miles upstream of Lock and Dam No. 10.	None	+625	Village of Bagley.
	Approximately 8.0 miles upstream of Lock and Dam No. 10.	None	+625	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Grant County

Maps are available for inspection at 111 South Jefferson Street, Lancaster, WI 53813.

Village of Bagley

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Maps are available for inspection at 400 South Jackley Lane, Bagley, WI 53801.

Village of Potosi

Maps are available for inspection at 105 North Main Street, Potosi, WI 53820.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 5, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12462 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1100]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1100, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Clinton County, Iowa, and Incorporated Areas				
Mississippi River	Approximately 11.2 miles downstream of U.S. Route 30.	None	+585	City of Camanche, City of Clinton, Unincorporated Areas of Clinton County.
	Approximately 12.8 miles upstream of State Highway 136.	None	+594	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
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∧ Mean Sea Level, rounded to the nearest 0.1 meter.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Camanche

Maps are available for inspection at 917 3rd Street, Camanche, IA 52730.

City of Clinton

Maps are available for inspection at 110 5th Avenue South, Clinton, IA 52732.

Unincorporated Areas of Clinton County

Maps are available for inspection at 329 East 11th Street, DeWitt, IA 52742.

Wapello County, Iowa, and Incorporated Areas				
Des Moines River	Approximately 2.8 miles downstream of U.S. Route 34.	None	+635	Unincorporated Areas of Wapello County.
	Approximately 0.9 mile upstream of Blackhawk Road.	None	+643	

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ADDRESSES

Unincorporated Areas of Wapello County

Maps are available for inspection at 536 Mill Street, Ottumwa, IA 52501.

Henry County, Kentucky, and Incorporated Areas				
Aaron Branch (Backwater effects from Kentucky River).	From the confluence with Pot Ripple Creek to approximately 0.5 mile upstream of the confluence with Pot Ripple Creek.	None	+488	Unincorporated Areas of Henry County.
Boiling Branch (Backwater effects from Kentucky River).	From the confluence with Sulphur Creek to approximately 0.5 mile upstream of the confluence with Sulphur Creek.	None	+481	Unincorporated Areas of Henry County.
Cane Run (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.5 mile upstream of Ford Lane.	None	+476	Unincorporated Areas of Henry County.
Drennon Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.8 mile upstream of the confluence with Drennon Creek Tributary 9.	None	+480	Unincorporated Areas of Henry County.
Drennon Creek Tributary 49 (Backwater effects from Kentucky River).	From the confluence with Drennon Creek to approximately 680 feet upstream of the confluence with Drennon Creek.	None	+480	Unincorporated Areas of Henry County.
Emily Run (Backwater effects from Kentucky River).	From the confluence with Drennon Creek to approximately 708 feet upstream of Drennon Road.	None	+480	Unincorporated Areas of Henry County.
Greens Fork (Backwater effects from Kentucky River).	From the confluence with Sulphur Creek to approximately 1,360 feet upstream of the confluence with Sulphur Creek.	None	+481	Unincorporated Areas of Henry County.

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		Effective	Modified	
Gullion Creek Tributary 1 (Backwater effects from Kentucky River).	From the confluence with Gullion Run to approximately 470 feet upstream of Gullion Branch Road.	None	+474	Unincorporated Areas of Henry County.
Gullion Run (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 885 feet upstream of the confluence with Gullion Creek Tributary 1.	None	+474	Unincorporated Areas of Henry County.
Hances Branch (Backwater effects from Kentucky River).	From the confluence with Sixmile Creek to approximately 1,335 feet upstream of Six Mile Creek Road.	None	+487	Unincorporated Areas of Henry County.
Joes Branch (Backwater effects from Kentucky River).	From the confluence with Sixmile Creek to approximately 785 feet upstream of Six Mile Creek Road.	None	+487	Unincorporated Areas of Henry County.
Kentucky River	Approximately 0.9 mile downstream of the confluence with Gullion Run.	None	+473	Unincorporated Areas of Henry County.
	Approximately 5.0 miles upstream of the confluence with Stevens Creek West.	None	+498	
Longs Branch (Backwater effects from Kentucky River).	From the confluence with Sixmile Creek to approximately 1,280 feet upstream of the confluence with Sixmile Creek.	None	+487	Unincorporated Areas of Henry County.
Martini Run (Backwater effects from Kentucky River).	From the confluence with Drennon Creek to approximately 1,490 feet upstream of Drennon Road.	None	+480	Unincorporated Areas of Henry County.
Pot Ripple Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.8 mile upstream of the confluence with Aaron Branch.	None	+488	Unincorporated Areas of Henry County.
Sixmile Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1,410 feet upstream of the confluence with Longs Branch.	None	+487	Unincorporated Areas of Henry County.
Stevens Creek West (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1.1 mile upstream of the confluence with the Kentucky River.	None	+494	Unincorporated Areas of Henry County.
Sulphur Creek (Backwater effects from Kentucky River).	From the confluence with Drennon Creek to approximately 1,200 feet upstream of the confluence with Greens Fork.	None	+481	Unincorporated Areas of Henry County.

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ADDRESSES

Unincorporated Areas of Henry County

Maps are available for inspection at the Henry County Courthouse, 19 South Property Road, New Castle, KY 40050.

Washtenaw County, Michigan (All Jurisdictions)

Huron River	Just upstream of Whitmore Lake Road	None	+775	Village of Barton Hills.
	Approximately 1,700 feet downstream of Foster Road	None	+798	
North Lake	Entire shoreline in the Township of Lyndon	None	+939	Township of Lyndon.
River Raisin	Approximately 0.5 mile upstream of State Highway 52	None	+880	Township of Manchester.
	Approximately 0.6 mile upstream of State Highway 52	None	+880	
Saline River	Approximately 0.5 mile downstream of Macon Road	None	+736	Township of Saline.
	Approximately 1,500 feet upstream of Macon Road	None	+775	
Wood Outlet Drain	Approximately 0.6 mile upstream of U.S. Route 12	None	+759	Township of Lodi.
	Just upstream of the Saline Waterworks	None	+792	

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		Effective	Modified	

ADDRESSES

Township of Lodi
Maps are available for inspection at 3755 Pleasant Lake Road, Ann Arbor, MI 48103.

Township of Lyndon
Maps are available for inspection at 17751 North Territorial Road, Chelsea, MI 48188.

Township of Manchester
Maps are available for inspection at 275 South Macomb Street, Manchester, MI 48158.

Township of Saline
Maps are available for inspection at 5371 Braun Road, Saline, MI 48176.

Village of Barton Hills
Maps are available for inspection at 199 Barton Shore Drive, Ann Arbor, MI 48107.

Sussex County, New Jersey (All Jurisdictions)

Culvers Creek	At the confluence with Dry Brook	None	+528	Township of Frankford.
	At the upstream corporate limit of the Township of Frankford.	None	+645	
Delaware River	At the Warren County boundary	None	+352	Township of Montague, Township of Sandyston.
	At the New Jersey/New York State boundary	None	+426	
Dry Brook	At the upstream face of the Route 206 culvert	None	+509	Borough of Branchville, Township of Frankford.
	Approximately 675 feet upstream of Wantage Avenue (County Road 519).	None	+575	
Lake Hopatcong	Entire shoreline within the Borough of Hopatcong	None	+925	Borough of Hopatcong.
Lake Mohawk	Entire shoreline within the Township of Byram	None	+730	Township of Byram.
Lubbers Run	At the downstream corporate limit of the Borough of Hopatcong.	None	+733	Borough of Hopatcong.
	Approximately 3,540 feet upstream of Sussex County Road 605.	None	+809	
Lubbers Run	Approximately 2,620 feet downstream of Mansfield Drive.	None	+710	Township of Byram.
	Approximately 140 feet upstream of Mansfield Drive	None	+713	
Musconetcong River	At the downstream corporate limit of the Borough of Hopatcong.	None	+870	Borough of Hopatcong.
	Approximately 2,530 feet upstream of the downstream corporate limit of the Borough of Hopatcong.	None	+876	
Paulins Kill	At the Township of Hampton boundary	None	+502	Township of Frankford.
	Approximately 200 feet downstream of Decker Road	None	+502	
Pequest River	Approximately 380 feet downstream of County Road 618 (at Township of Andover boundary).	None	+583	Township of Fredon.
	Approximately 400 feet upstream of County Road 618 (at Township of Andover boundary).	None	+584	
Unnamed Tributary to Paulins Kill.	Approximately 300 feet downstream of the U.S. Route 206 Bridge.	None	+502	Township of Hampton.
	Approximately 20 feet downstream of the U.S. Route 206 Bridge.	None	+502	
Wallkill River	Approximately 315 feet upstream of County Route 565 (at Township of Vernon boundary).	None	+393	Township of Hardyston.
	Approximately 320 feet downstream of Scott Road (at Borough of Franklin boundary).	None	+403	

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ADDRESSES

Borough of Branchville
Maps are available for inspection at 5 Main Street, Branchville Municipal Building, Branchville, NJ 07826.

Borough of Hopatcong
Maps are available for inspection at 111 River Styx Road, Hopatcong Borough Municipal Building, Hopatcong, NJ 07843.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Township of Byram
Maps are available for inspection at 10 Mansfield Drive, Byram Township Municipal Building, Stanhope, NJ 07874.

Township of Frankford
Maps are available for inspection at 151 State Highway 206, Frankford Township Municipal Building, Augusta, NJ 07822.

Township of Fredon
Maps are available for inspection at 443 Route 94, Fredon Township Municipal Building, Newton, NJ 07860.

Township of Hampton
Maps are available for inspection at 1 Rumsey Way, Hampton Township Municipal Building, Newton, NJ 07860.

Township of Hardyston
Maps are available for inspection at 149 Wheatsworth Road, Suite A, Hardyston Township Municipal Building, Hardyston, NJ 07419.

Township of Montague
Maps are available for inspection at 277 Clove Road, Montague Township Municipal Building, Montague, NJ 07827.

Township of Sandyston
Maps are available for inspection at 133 County Road 645, Sandyston Township Municipal Building, Sandyston, NJ 07826.

Clearfield County, Pennsylvania (All Jurisdictions)				
Clear Run	Approximately 580 feet upstream of U.S. Route 219 ..	None	+1,405	City of Dubois.
	Approximately 220 feet upstream of Juniata Street	None	+1,420	
Laurel Run No. 1	Approximately 2,690 feet downstream of the confluence with Laurel Run Tributary A.	None	+1,467	Township of Boggs.
	Approximately 2,625 feet downstream of the confluence with Laurel Run Tributary A.	None	+1,467	
Pentz Run	Approximately 435 feet downstream of U.S. Route 219.	None	+1,409	Township of Sandy.
	Approximately 360 feet downstream of U.S. Route 219.	None	+1,410	
Pentz Run Tributary	Approximately 195 feet upstream of the confluence with Pentz Run.	None	+1,410	Township of Sandy.
	Approximately 125 feet downstream of Forest Avenue	None	+1,412	
West Branch Susquehanna River.	Approximately 4,485 feet downstream of U.S. Route 219.	None	+1,323	Township of Burnside.
	Approximately 2,275 feet downstream of U.S. Route 219.	None	+1,325	
	Approximately 1,910 feet downstream of the confluence with Rock Run No. 2.	None	+1,332	
	Approximately 1,475 feet downstream of the confluence with Rock Run No. 2.	None	+1,333	

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ADDRESSES

City of Dubois
Maps are available for inspection at 16 West Scribner Avenue, DuBois, PA 15801.

Township of Boggs
Maps are available for inspection at 150 Blue Ball Road, West Decatur, PA 16878.

Township of Burnside
Maps are available for inspection at 2447 Ridge Road, Westover, PA 16692.

Township of Sandy
Maps are available for inspection at 1094 Chestnut Avenue, DuBois, PA 15801.

Dauphin County, Pennsylvania (All Jurisdictions)				
Beaver Creek (Upper Reach)	Approximately 1,540 feet below Devonshire Heights Road.	None	+381	Township of Lower Paxton.
	Approximately 160 feet above the confluence with Beaver Creek Tributary A.	None	+432	

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Paxton Creek	Approximately 2,285 feet above the confluence with Paxton Tributary.	None	+321	City of Harrisburg.
	Approximately 4,000 feet above confluence with the centerline of the Susquehanna River.	None	+325	
Susquehanna River	At Whitehouse Lane (295 feet northeast of Cherry Avenue).	None	+304	Borough of Steelton.
	Approximately 840 feet northwest of the intersection of Franklin Street and the railroad.	None	+313	
Swatara Creek	Approximately 2,100 feet downstream of the confluence with Bow Creek.	None	+348	Township of East Hanover.
	At the Lebanon County boundary	None	+359	

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ADDRESSES

Borough of Steelton
Maps are available for inspection at 123 North Front Street, Steelton, PA 17113.

City of Harrisburg
Maps are available for inspection at the City Government Center, 10 North 2nd Street, Harrisburg, PA 17101.

Township of East Hanover
Maps are available for inspection at 8848 Jonestown Road, Grantville, PA 17028.

Township of Lower Paxton
Maps are available for inspection at 425 Prince Street, Harrisburg, PA 17109.

Fort Bend County, Texas, and Incorporated Areas

Brazos River	At the confluence with Cow Creek	+53	+51	City of Missouri City, City of Richmond, City of Rosenberg, City of Sugar Land, Fort Bend County L.I.D. #2, Fort Bend County L.I.D. #7, Pecan Grove M.U.D., Unincorporated Areas of Fort Bend County, Village of Simonton, Weston Lakes.
	At the Waller/Austin county boundary	+116	+117	
Cane Island Branch	Just upstream of the confluence with Willow Fork Buffalo Bayou.	+133	+132	City of Katy.
	Just upstream of I–10	+135	+133	
Clear Creek	Just downstream of FM 2234	+62	+60	City of Houston, City of Pearland, Unincorporated Areas of Fort Bend County.
	Just downstream of Rouen Road	+70	+68	
Keegans Bayou	Approximately 1,500 feet downstream of Hodges Bend Drive.	None	+88	West Keegans Bayou Improvement District.
	Approximately 988 feet upstream of Hodges Bend Drive.	None	+88	
Lower Oyster Creek	At the confluence with Flat Bank Creek	+60	+61	City of Arcola, City of Missouri City, Unincorporated Areas of Fort Bend County.
	Approximately 1,300 feet upstream of McKeever Road.	None	+64	
Old Oyster Creek (Backwater effects from Lower Oyster Creek).	Approximately 2,000 feet downstream of Ellison Road	None	+59	City of Missouri City, Unincorporated Areas of Fort Bend County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
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	Just downstream of Watts Plantation Road	None	+60	
Oyster Creek	At the confluence with Flat Bottom Creek	+60	+61	City of Missouri City, City of Sugar Land, First Colony L.I.D., Fort Bend County L.I.D. #2, Fort Bend County M.U.D. #42, Pecan Grove M.U.D., Unincorporated Areas of Fort Bend County.
	At the confluence with Jones Creek	+81	+85	
Willow Fork Buffalo Bayou	At the Harris County boundary	+98	+97	City of Houston, City of Katy, Unincorporated Areas of Fort Bend County, Willow Fork Drainage District.
	At the Waller County boundary	+146	+147	

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ADDRESSES

City of Arcola
Maps are available for inspection at 13222 State Highway 6, Arcola, TX 77583.

City of Houston
Maps are available for inspection at 3300 Main Street, Houston, TX 77002.

City of Katy
Maps are available for inspection at 910 Avenue C, Katy, TX 77492.

City of Missouri City
Maps are available for inspection at 1522 Texas Parkway, Missouri City, TX 77459.

City of Pearland
Maps are available for inspection at 3519 Liberty Drive, Pearland, TX 77581.

City of Richmond
Maps are available for inspection at 402 Morton Street, Richmond, TX 77469.

City of Rosenberg
Maps are available for inspection at 2110 4th Street, Rosenberg, TX 77471.

City of Sugar Land
Maps are available for inspection at 10405 Corporate Drive, Sugar Land, TX 77478.

First Colony L.I.D.
Maps are available for inspection at 2077 South Gessner Road, Suite 225, Houston, TX 77063.

Fort Bend County L.I.D. #2
Maps are available for inspection at 2929 Briarpark Drive, Suite 600, Houston, TX 77042.

Fort Bend County L.I.D. #7
Maps are available for inspection at 2929 Briarpark Drive, Suite 600, Houston, TX 77042.

Fort Bend County M.U.D. #42
Maps are available for inspection at 6335 Gulfton Street, Suite 200, Houston, TX 77081.

Pecan Grove M.U.D.
Maps are available for inspection at 6335 Gulfton Street, Suite 200, Houston, TX 77081.

Unincorporated Areas of Fort Bend County
Maps are available for inspection at 1124 Blume Road, Rosenburg, TX 77471.

Village of Simonton
Maps are available for inspection at 1104 Blume Road, Rosenburg, TX 77471.

West Keegans Bayou Improvement District
Maps are available for inspection at 5757 Woodway Drive, Houston, TX 77057.

Weston Lakes
Maps are available for inspection at 32611 FM 1093, Fulshear, TX 77441.

Willow Fork Drainage District

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
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Maps are available for inspection at 5757 Woodway Drive, Houston, TX 77057.				
Iron County, Utah, and Incorporated Areas				
Coal Creek	At the divergence from North Airport Canal	+5,618	+5,619	City of Cedar City.
	Just downstream of I–15	None	+5,676	
Cross Hollow	Approximately 250 feet downstream of Cross Hollow Road.	None	+5,750	City of Cedar City.
	Just upstream of I–15	None	+6,000	
Greens Lake	Just upstream of I–15	None	+6,000	City of Cedar City, Unincorporated Areas of Iron County.
	Approximately 0.66 mile upstream of Fir Street	None	+6,046	
Parowan Creek	Just upstream of I–15	None	+5,806	City of Parowan, Unincorporated Areas of Iron County.
	Approximately 1.41 mile upstream of Old Highway 91	None	+6,237	
Quichapa Channel	Just upstream of 6300 West Street	None	+5,476	City of Cedar City, Unincorporated Areas of Iron County.
	Just downstream of I–15	+5,683	+5,682	
Red Creek	Approximately 0.36 mile downstream of Center Street	None	+5,900	Unincorporated Areas of Iron County.
	Approximately 40 feet upstream of Red Creek Road	None	+6,061	
Shurtz Creek	Just downstream of 5700 West Street	None	+5,481	City of Cedar City, Unincorporated Areas of Iron County.
	Approximately 0.26 mile upstream of I–15	None	+5,731	
Squaw Creek	At the confluence with Coal Creek	None	+5,876	City of Cedar City.
	Approximately 0.71 mile upstream of 200 South Street.	None	+6,085	
Water Canyon	Approximately 60 feet downstream of 100 West Street.	None	+5,850	Unincorporated Areas of Iron County.
	Approximately 0.34 mile upstream of Main Street	None	+5,918	

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ADDRESSES

City of Cedar City
Maps are available for inspection at 10 North Main Street, Cedar City, UT 84702.

City of Parowan
Maps are available for inspection at 5 South Main, Parowan, UT 84761.

Unincorporated Areas of Iron County
Maps are available for inspection at 82 North 100 East, Suite 104, Cedar City, UT 84720.

Pierce County, Wisconsin, and Incorporated Areas				
Bay City Creek	Approximately 900 feet upstream of State Highway 35	None	+690	Unincorporated Areas of Pierce County.
	Approximately 1,000 feet upstream of State Highway 35.	None	+691	
Eau Galle River	Approximately 0.8 mile upstream of Winter Avenue (State Highway 72).	None	+846	Unincorporated Areas of Pierce County.
	Approximately 0.9 mile upstream of Winter Avenue (State Highway 72).	None	+847	
Kinnickinnic River	Approximately 1,600 feet downstream of the Lake Louise Dam.	None	+810	Unincorporated Areas of Pierce County.
	Approximately 1,000 feet downstream of the Lake Louise Dam.	None	+812	

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Mississippi River	At the Pepin County boundary	+682	+681	City of Prescott, Unincorporated Areas of Pierce County, Village of Bay City, Village of Maiden Rock.
	Approximately 1,700 feet south of the intersection of State Highway 35 and Walter Street.	+691	+690	
Rush Coulee	Approximately 250 feet downstream of Maple Avenue (County Highway S).	None	+832	Unincorporated Areas of Pierce County.
	At Maple Avenue (County Highway S)	None	+833	

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ADDRESSES

City of Prescott
Maps are available for inspection at City Hall, 800 Borner Street North, Prescott, WI 54021.

Unincorporated Areas of Pierce County
Maps are available for inspection at the Pierce County Courthouse, 414 West Main Street, Ellsworth, WI 54011.

Village of Bay City
Maps are available for inspection at the Village Hall, West 6371 Main Street, Bay City, WI 54723.

Village of Maiden Rock
Maps are available for inspection at the Village Hall, West 3535 State Road 35, Maiden Rock, WI 54750.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 11, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12488 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1104]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1104, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain

management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Canyon County, Idaho, and Incorporated Areas				
Renshaw Canal	Just upstream of Union Pacific Railroad	None	+2346	City of Greenleaf.
	Just upstream of State Highway 19	None	+2352	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Greenleaf
Maps are available for inspection at City Hall, 20523 North Whittier Drive, Greenleaf, ID 83626.

Adams County, Illinois, and Incorporated Areas				
Cedar Creek	At the confluence with the Mississippi River	+486	+487	City of Quincy, Unincorporated Areas of Adams County.
	Approximately 1,000 feet downstream of U.S. Route 24.	+486	+487	
Curtis Creek	At the confluence with the Mississippi River	+485	+486	Unincorporated Areas of Adams County.
	Approximately 150 feet upstream of State Route 57	+485	+486	
Mill Creek	At the confluence with the Mississippi River	+480	+481	Unincorporated Areas of Adams County.
	Approximately 1,850 feet upstream of State Route 57	+480	+481	
Mississippi River	Approximately 2.9 miles upstream of U.S. Route 36 (River Mile 312.4).	+477	+479	City of Quincy, Unincorporated Areas of Adams County.
	Approximately 4.1 miles upstream of Lock and Dam No. 20 (River Mile 347.4).	+495	+494	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
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Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Quincy

Maps are available for inspection at City Hall, 730 Maine Street, Quincy, IL 62301.

Unincorporated Areas of Adams County

Maps are available for inspection at the Adams County Highway Department, 101 North 54th Street, Quincy, IL 62305.

Grundy County, Illinois, and Incorporated Areas

Claypool Ditch	Approximately at Carbon Hill Road	None	+546	Village of Carbon Hill.
	Approximately 0.38 mile upstream of Carbon Hill Road.	None	+546	
Des Plaines River	Approximately 1.75 mile upstream of the upstream side of the Dresden Island Lock and Dam.	+509	+510	Unincorporated Areas of Grundy County, Village of Channahon.
	Approximately 0.1 mile upstream of Will Road extended.	+511	+510	
East Fork Mazon River	Approximately 1,275 feet downstream of Rice Street	None	+581	Village of East Brooklyn.
	Approximately at Rice Street	None	+582	
Gooseberry Creek	Approximately 750 feet upstream of Old Mazon Road	+613	+612	Unincorporated Areas of Grundy County, Village of Dwight.
	Approximately 425 feet upstream of U.S. Route 66	None	+620	
Illinois River	Approximately 0.4 mile downstream of the railroad	+496	+497	City of Morris, Unincorporated Areas of Grundy County, Village of Channahon, Village of Seneca.
	Just downstream of the Dresden Island Lock and Dam.	+505	+507	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

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ADDRESSES

City of Morris

Maps are available for inspection at City Hall, 320 Wauponsee Street, Morris, IL 60450.

Unincorporated Areas of Grundy County

Maps are available for inspection at the Grundy County Administration Building, 1320 Union Street, Morris, IL 60450.

Village of Carbon Hill

Maps are available for inspection at the Village Hall, 695 North Holcomb Street, Carbon Hill, IL 60416.

Village of Channahon

Maps are available for inspection at the Village Hall, 24555 South Navajo Drive, Channahon, IL 60410.

Village of Dwight

Maps are available for inspection at the Dwight Public Services Complex, 209 South Prairie Avenue, Dwight, IL 60420.

Village of East Brooklyn

Maps are available for inspection at the Village Hall, 170 Monroe Street, East Brooklyn, IL 60474.

Village of Seneca

Maps are available for inspection at the Village Hall, 340 North Cash, Seneca, IL 61360.

La Salle County, Illinois, and Incorporated Areas

Bailey Creek	Approximately 0.52 mile downstream of Pontiac Street.	None	+638	Unincorporated Areas of La Salle County, Village of Tonica.
	Approximately 100 feet downstream of I–39	None	+651	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Bailey Creek Unnamed Tributary.	Approximately at the confluence with Bailey Creek	None	+646	Village of Tonica.
	Approximately 225 feet upstream of IL–251	None	+652	
Clark Run	Approximately at the confluence with the Illinois River	+466	+467	Unincorporated Areas of La Salle County, Village of North Utica.
	Approximately 525 feet downstream of the Illinois and Michigan Canal.	+466	+467	
Fox River	Approximately at the confluence with the Illinois River	+472	+474	City of Ottawa, Unincorporated Areas of La Salle County.
	Approximately 0.87 mile upstream of U.S. Route 6/ Norris Drive.	+473	+474	
Goose Creek	Approximately at the confluence with the Fox River ...	+472	+474	City of Ottawa, Unincorporated Areas of La Salle County.
	Approximately 100 feet upstream of Champlain Street	+473	+474	
Illinois River	Approximately 0.51 mile downstream of the confluence with Cedar Creek.	+466	+463	City of La Salle, City of Marseilles, City of Oglesby, City of Ottawa, City of Peru, Unincorporated Areas of La Salle County, Village of Naplate, Village of North Utica, Village of Seneca.
	Approximately 1.1 mile upstream of IL–170	+497	+498	
Mendota Creek	Approximately 0.4 mile downstream of 1st Street	None	+724	City of Mendota, Unincorporated Areas of La Salle County.
	Approximately 0.55 mile upstream of Lakewood Plaza Drive.	+766	+767	
Rat Run	Approximately at the confluence with the Illinois River	+493	+495	Unincorporated Areas of La Salle County, Village of Seneca.
	Approximately 125 feet downstream of IL–170	+494	+495	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of La Salle
Maps are available for inspection at City Hall, 745 2nd Street, La Salle, IL 61301.

City of Marseilles
Maps are available for inspection at City Hall, 209 Lincoln Street, Marseilles, IL 61341.

City of Mendota
Maps are available for inspection at City Hall, 800 Washington Street, Mendota, IL 61342.

City of Oglesby
Maps are available for inspection at City Hall, 110 East Walnut Street, Oglesby, IL 61348.

City of Ottawa
Maps are available for inspection at City Hall, 301 West Madison Street, Ottawa, IL 61350.

City of Peru
Maps are available for inspection at City Hall, 1727 4th Street, Peru, IL 61354.

Unincorporated Areas of La Salle County
Maps are available for inspection at the La Salle County Courthouse, Etna Road Complex, 707 East Etna Road, Ottawa, IL 61350.

Village of Naplate
Maps are available for inspection at the Village Hall, 2000 West Ottawa Avenue, Naplate, IL 61350.

Village of North Utica
Maps are available for inspection at the Village Hall, 801 South Clark Street, North Utica, IL 61373.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Village of Seneca
Maps are available for inspection at the Village Hall, 340 North Cash Street, Seneca, IL 61360.

Village of Tonica
Maps are available for inspection at the Village Hall, 308 Uncas Street, Tonica, IL 61370.

Marion County, Illinois, and Incorporated Areas

CEI Branch of Town Creek ...	Approximately 650 feet upstream of the Chicago and Eastern Illinois Dam.	None	+530	Unincorporated Areas of Marion County.
	Approximately 1,100 feet upstream of Old Yards Road.	None	+530	
Crooked Creek	Approximately 1,650 feet downstream of West Green Street extended.	None	+464	Unincorporated Areas of Marion County.
	Approximately at the upstream side of Breway Hill Road.	None	+468	
Folks Creek	Approximately at the downstream side of Kell Street ..	None	+515	Unincorporated Areas of Marion County.
	Approximately at the upstream side of Blair Street	None	+531	
Fulton Branch	Approximately at the upstream side of the railroad	None	+490	City of Centralia.
	Approximately 300 feet upstream of U.S. Route 51 (Southbound Lane).	None	+492	
Fulton Branch Tributary	Approximately at the upstream side of Wabash Avenue.	None	+499	City of Centralia.
	Approximately at the downstream side of U.S. Route 51.	None	+512	
Raccoon Creek	Approximately 0.85 mile downstream of Green Street Road.	None	+468	Unincorporated Areas of Marion County.
	Approximately at the downstream side of the Raccoon Lake Dam.	None	+468	
Raccoon Lake	Approximately at the upstream side of the Raccoon Lake Dam.	None	+480	Unincorporated Areas of Marion County.
	Approximately 1.27 mile downstream of IL–161	None	+480	
Town Creek	Approximately at the downstream side of Kell Street ..	None	+502	Unincorporated Areas of Marion County.
	Approximately 1,600 feet downstream of Tonti Road ..	None	+550	
Tributary No. 1	Approximately at the upstream side of Franklin Street	None	+530	Unincorporated Areas of Marion County.
	Approximately 570 feet upstream of Franklin Street ...	None	+530	
Tributary No. 2	Approximately 1,200 feet downstream of Lake Street extended.	None	+525	Unincorporated Areas of Marion County.
	Approximately at the downstream side of West Blair Street.	None	+542	
Unnamed Tributary A	Approximately 420 feet upstream of Green Street Road.	+471	+468	City of Centralia, Unincorporated Areas of Marion County.
	Approximately 90 feet downstream of Club House Road.	+471	+468	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Centralia
Maps are available for inspection at City Hall, 222 South Poplar Street, Centralia, IL 62801.

Unincorporated Areas of Marion County
Maps are available for inspection at the Marion County Courthouse, 100 Broadway Avenue, Salem, IL 62881.

Pottawatomie County, Kansas, and Incorporated Areas

Big Blue River Tributary	Approximately 100 feet upstream of the confluence with the Big Blue River.	None	+1,010	Unincorporated Areas of Pottawatomie County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 1,200 feet upstream of Junietta Road ..	None	+1,058	
College Creek	Approximately 0.9 mile downstream of Palmer Street	None	+937	City of St. Marys, Unincorporated Areas of Pottawatomie County.
	Approximately 50 feet downstream of Mt. Calvary Road.	None	+1,001	
College Creek Left Overflow	Approximately 0.4 mile downstream of Our Ladys Circle.	None	+954	Unincorporated Areas of Pottawatomie County.
	At Our Ladys Circle	None	+959	
College Creek Lower Left Overflow.	Approximately 1.1 mile upstream of the confluence with the Kansas River.	None	+941	City of St. Marys, Unincorporated Areas of Pottawatomie County.
	At Bertrand Street	None	+959	
College Creek Right Overflow.	Approximately 600 feet upstream of the confluence with College Creek.	None	+941	Unincorporated Areas of Pottawatomie County.
	Approximately 425 feet upstream of 1st Street	None	+962	
Elbo Creek	Approximately 1,600 feet upstream of the confluence with the Big Blue River.	None	+1,010	Unincorporated Areas of Pottawatomie County.
	Approximately 1,400 feet upstream of the confluence with School Creek.	None	+1,064	
Elbo Creek Tributary	At the confluence with Elbo Creek	None	+1,042	Unincorporated Areas of Pottawatomie County.
	Approximately 950 feet upstream of Junietta Road	None	+1,068	
School Creek	At the confluence with Elbo Creek	None	+1,061	Unincorporated Areas of Pottawatomie County.
	Approximately 0.5 mile feet upstream of the confluence with Elbo Creek.	None	+1,075	

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ADDRESSES

City of St. Marys
Maps are available for inspection at City Hall, 200 South 7th Street, St. Marys, KS 66536.

Unincorporated Areas of Pottawatomie County
Maps are available for inspection at the Pottawatomie County Courthouse, Zoning Office, 207 North First, Westmoreland, KS 66549.

Gratiot County, Michigan (All Jurisdictions)

Pine River Lower Reach	At Chessman Road	None	+724	Township of Pine River.
	Approximately 0.65 mile upstream of Chessman Road	None	+724	
Pine River Upper Reach	Approximately 0.77 mile upstream of the State Street Dam.	None	+735	Township of Arcada.
	Approximately 0.96 mile upstream of the State Street Dam.	None	+735	

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Township of Arcada
Maps are available for inspection at the Arcada Township Hall, 3200 West Tyler Road, Alma, MI 48801.

Township of Pine River
Maps are available for inspection at the Pine River Township Hall, 1495 West Monroe Road, St. Louis, MI 48880.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Erie County, Pennsylvania, (All Jurisdictions)				
Fourmile Creek	Approximately 735 feet downstream of Access Road	None	+577	Township of Harborcreek, Township of Lawrence Park.
	Approximately 745 feet downstream of Buffalo Road	None	+688	
	Approximately 485 feet downstream of Buffalo Road	None	+693	
	Approximately 400 feet upstream of Mindi Court	None	+770	
Lake Erie	Entire coastline in the Commonwealth of Pennsylvania.	None	+577	Township of Girard, Township of Harborcreek, Township of North East.

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+ North American Vertical Datum.
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ADDRESSES

Township of Girard
Maps are available for inspection at the Municipal Building, 10140 West Ridge Road, Girard, PA 16417.

Township of Harborcreek
Maps are available for inspection at 5601 Buffalo Road, Harborcreek, PA 16421.

Township of Lawrence Park
Maps are available for inspection at the Lawrence Park Township Office, 4230 Iroquois Avenue, Erie, PA 16511.

Township of North East
Maps are available for inspection at the Township Main Office, 1300 West Main Road, North East, PA 16428.

Dinwiddie County, Virginia, and Incorporated Areas				
Appomattox River	Approximately 1.65 mile downstream of Ferndale Road (State Route 600).	None	+55	Unincorporated Areas of Dinwiddie County.
	Approximately 1.28 mile upstream of the Vepco Dam	None	+131	

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+ North American Vertical Datum.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Dinwiddie County
Maps are available for inspection at the Dinwiddie County Government Center, Planning Department, 14016 Boydton Plank Road, Dinwiddie, VA 23841.

Fremont County, Wyoming, and Incorporated Areas				
Big (Middle) Popo Agie River	Approximately 80 feet upstream of the confluence with the North Popo Agie River.	None	+5,239	City of Lander, Unincorporated Areas of Fremont County.
	Approximately 6,030 feet upstream of Field Station Road.	None	+5,978	
Dickinson Creek	Approximately 240 feet downstream of Fremont Street.	None	+5,398	City of Lander, Unincorporated Areas of Fremont County.
	Approximately 3,360 feet upstream of Fremont Street	None	+5,438	
Fremont Street Split	Approximately 160 feet downstream of 3rd Street	None	+5,389	City of Lander.
	Approximately 380 feet upstream of 4th Street	None	+5,402	

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+ North American Vertical Datum.

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		Effective	Modified	

Depth in feet above ground.
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ADDRESSES

City of Lander
Maps are available for inspection at 240 Lincoln Street, Lander, WY 82520.

Unincorporated Areas of Fremont County
Maps are available for inspection at 450 North 2nd Street, Room 360, Lander, WY 82520.

Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 11, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12489 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1097]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1097, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location**	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)	
				Existing	Modified
City of Hampton, Virginia					
Virginia	City of Hampton	Newmarket Creek	Approximately 275 feet downstream of Big Bethel Road.	+8	+9
			Approximately 20 feet upstream of the confluence with Newmarket Creek Tributary.	None	+22
	City of Hampton	Newmarket Creek Tributary.	At the confluence with Newmarket Creek.	None	+22
			Approximately 30 feet downstream of I–64.	None	+22

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+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Hampton

Maps are available for inspection at the Central Permits Office, 22 Lincoln Avenue, Hampton, VA 23669.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Rio Grande County, Colorado, and Incorporated Areas				
Willow Creek	At the confluence with the Rio Grande, approximately 400 feet north of U.S. Route 160.	None	+8,154	Unincorporated Areas of Rio Grande County.
	Approximately 1.1 mile south of East Lake Court	None	+8,766	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Rio Grande County

Maps are available for inspection at 925 6th Street, Del Norte, CO 81132.

Washington County, Florida, and Incorporated Areas				
Alligator Creek	At the upstream side of County Road 166	None	+76	Unincorporated Areas of Washington County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 3.2 miles upstream of County Road 166.	None	+81	
Bear Bay Creek	At the confluence with Pine Log Creek	None	+44	Unincorporated Areas of Washington County.
	Approximately 3.9 miles upstream of the confluence with Pine Log Creek.	None	+76	
Botheration Creek	At the confluence with Pine Log Creek	None	+32	Unincorporated Areas of Washington County.
	Approximately 200 feet downstream of the county boundary.	None	+90	
Brock Mill Branch	At the confluence with Jones Rice Mill Branch	None	+54	Unincorporated Areas of Washington County.
	Approximately 100 feet downstream of State Road 77	None	+109	
Flat Creek	At the confluence with Hard Labor Creek	None	+50	Unincorporated Areas of Washington County.
	Approximately 9.7 miles upstream of the confluence with Hard Labor Creek.	None	+160	
Hard Labor Creek	At State Road 277	None	+43	Unincorporated Areas of Washington County.
	Approximately 15.6 miles upstream of the confluence with Holmes Creek.	None	+114	
Helms Branch	At the confluence with Alligator Creek	None	+78	City of Chipley, Unincorporated Areas of Washington County.
	Approximately 3.2 miles upstream of the confluence with Alligator Creek.	None	+89	
Johnson Branch	At Roche Avenue	None	+37	City of Vernon, Unincorporated Areas of Washington County.
	Approximately 3.8 miles upstream of the confluence with Holmes Creek.	None	+101	
Jones Rice Mill Branch	At the upstream side of State Road 277	None	+54	Unincorporated Areas of Washington County.
	Approximately 5.9 miles upstream of the confluence with Holmes Creek.	None	+146	
Pine Log Creek	Approximately 1.9 mile upstream of the confluence with the East River.	None	+21	Town of Ebro, Unincorporated Areas of Washington County.
	At the confluence with Bear Bay Creek	None	+44	
Piney Branch	At State Road 77	None	+40	Unincorporated Areas of Washington County.
	Approximately 6.6 miles upstream of the confluence with Holmes Creek.	None	+193	
Pippen Mill Creek	At Roche Avenue	None	+37	City of Vernon, Unincorporated Areas of Washington County.
	Approximately 5.4 miles upstream of the confluence with Holmes Creek.	None	+95	
Reedy Creek	At the confluence with Hard Labor Creek	None	+59	Town of Wausau, Unincorporated Areas of Washington County.
	Approximately 3.8 miles upstream of the confluence with Hard Labor Creek.	None	+105	
Unnamed Tributary 1 to Alligator Creek.	Approximately 765 feet upstream of State Road 277 ..	None	+68	Unincorporated Areas of Washington County.
	Approximately 1.4 mile upstream of State Road 277 ..	None	+121	
Unnamed Tributary 2 to Alligator Creek.	Approximately 0.4 mile upstream of the confluence with Alligator Creek.	None	+72	City of Chipley, Unincorporated Areas of Washington County.
	Approximately 2.2 miles upstream of the confluence with Alligator Creek.	None	+111	
Unnamed Tributary 3 to Alligator Creek.	At the confluence with Alligator Creek	None	+76	City of Chipley, Unincorporated Areas of Washington County.
	Approximately 2 miles upstream of the confluence with Alligator Creek.	None	+102	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Unnamed Tributary to Helms Branch.	Approximately 300 feet downstream of Brickyard Road.	None	+117	City of Chipley, Unincorporated Areas of Washington County.
	Approximately 0.6 mile upstream of Brickyard Road ...	None	+131	
Unnamed Tributary to Holmes Creek.	Approximately 0.4 mile upstream of the confluence with Holmes Creek.	None	+36	City of Vernon, Unincorporated Areas of Washington County.
	Approximately 2.2 miles upstream of the confluence with Holmes Creek.	None	+52	
Unnamed Tributary to Holmes Creek East Branch.	At the confluence with Unnamed Tributary to Holmes Creek.	None	+42	City of Vernon, Unincorporated Areas of Washington County.
	Approximately 1.3 mile upstream of the confluence with Unnamed Tributary to Holmes Creek.	None	+55	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Chipley
Maps are available for inspection at City Hall, 1442 Jackson Avenue, Chipley, FL 32428.

City of Vernon
Maps are available for inspection at 2808 Yellow Jacket Drive, Vernon, FL 32462.

Town of Ebro
Maps are available for inspection at the Town Hall, 6629 Dog Track Road, Ebro, FL 32437.

Town of Wausau
Maps are available for inspection at the Town Hall, 1607 2nd Avenue, Wausau, FL 32463.

Unincorporated Areas of Washington County
Maps are available for inspection at the Washington County Clerk's Office, 1293 Jackson Avenue, Chipley, FL 32428.

Butler County, Iowa, and Incorporated Areas

Beaver Creek	Approximately 1,800 feet downstream of Utica Avenue.	None	+896	Unincorporated Areas of Butler County.
	Approximately 1.2 mile upstream of Utica Avenue	None	+901	
Shell Rock River	Approximately 1.1 mile downstream of Cherry Street	None	+899	Unincorporated Areas of Butler County.
	Approximately 0.9 mile upstream of the dam	None	+909	
Shell Rock River	On the downstream side of Iowa Northern Railway	None	+923	Unincorporated Areas of Butler County.
	Approximately 1,000 feet upstream of Chicago and North Western Railroad.	None	+931	
Shell Rock River	Approximately 0.7 mile downstream of Traer Street ...	None	+955	Unincorporated Areas of Butler County.
	Approximately 700 feet upstream of State Highway 14	None	+960	
Shell Rock River Overflow Channel 2.	Approximately 900 feet downstream of Main Street	None	+955	Unincorporated Areas of Butler County.
	Approximately 400 feet upstream of Main Street	None	+958	

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+ North American Vertical Datum.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
ADDRESSES				
Unincorporated Areas of Butler County				
Maps are available for inspection at the Butler County Courthouse, 428 6th Street, Allison, IA 50602.				
Chesterfield County, Virginia, and Incorporated Areas				
Appomattox River	Approximately 0.9 mile upstream of the confluence with Swift Creek.	None	*9	Unincorporated Areas of Chesterfield County.
	At the Chesterfield County/City of Colonial Heights/ City of Petersburg boundary.	None	*20	
Blackman Creek	At the confluence with Deep Creek and Horsepen Creek.	None	*197	Unincorporated Areas of Chesterfield County.
	Approximately 3.7 miles upstream of Otterdale Road (SR–667).	None	*287	
Crooked Branch	On the upstream side of State Highway 288	*127	*131	Unincorporated Areas of Chesterfield County.
	At the upstream side of Centralia Road (SR–145)	*147	*148	
Deep Creek	At the confluence with the Swift Creek Reservoir	None	*182	Unincorporated Areas of Chesterfield County.
	At the confluence with Blackman Creek and Horsepen Creek.	None	*197	
Fuqua Branch	At the confluence with Dry Creek	None	*185	Unincorporated Areas of Chesterfield County.
	Approximately 2.2 miles upstream of the Ashbrook Lake Dam.	None	*261	
Great Branch	Approximately 500 feet upstream of Hamlin Creek Parkway.	*102	*103	Unincorporated Areas of Chesterfield County.
	Approximately 250 feet downstream of Chalkley Road	*139	*141	
Great Branch Tributary	At the confluence with Great Branch	*126	*129	Unincorporated Areas of Chesterfield County.
	Approximately 1,000 feet downstream of Ecoff Avenue.	*127	*129	
Horsepen Creek	At the confluence with Blackman Creek and Deep Creek.	None	*197	Unincorporated Areas of Chesterfield County.
	Approximately 3.0 miles upstream of the confluence with Blackman Creek and Deep Creek.	None	*257	
Johnsons Creek	Approximately 800 feet downstream of Spruce Avenue.	*18	*19	Unincorporated Areas of Chesterfield County.
	Approximately 0.8 mile upstream of Old Bermuda Hundred Road.	None	*128	
Johnsons Creek Tributary	Approximately 320 feet upstream of East Hundred Road (SR–10).	None	*57	Unincorporated Areas of Chesterfield County.
	Approximately 100 feet upstream of Bermuda Hundred Road.	None	*63	
Lake Chesdin	Entire shoreline in Chesterfield County	None	*163	Unincorporated Areas of Chesterfield County.
Little Tomahawk Creek	At the confluence with the Swift Creek Reservoir	*183	*184	Unincorporated Areas of Chesterfield County.
	Approximately 1,800 feet upstream of the confluence with the Swift Creek Reservoir.	*183	*184	
Proctors Creek	On the upstream side of the railroad	*25	*27	Unincorporated Areas of Chesterfield County.
	Approximately 850 feet upstream of the confluence with Tributary 2 to Proctors Creek.	*136	*137	
Swift Creek	At Woolridge Road (SR–668)	None	*182	Unincorporated Areas of Chesterfield County.
	At the Powhatan County boundary	None	*227	
Swift Creek Reservoir	Between Swift Creek Reservoir Dam and Woolridge Road (SR–668).	None	*182	Unincorporated Areas of Chesterfield County.
	Between Genito Road and the confluence with Little Tomahawk Creek and Tomahawk Creek.	None	*184	
Tomahawk Creek	At the confluence with the Swift Creek Reservoir	*183	*184	Unincorporated Areas of Chesterfield County.
	Approximately 1,500 feet upstream of the confluence with the Swift Creek Reservoir.	*183	*184	
Turkey Creek	At the confluence with Swift Creek	None	*194	Unincorporated Areas of Chesterfield County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Winterpock Creek	Approximately 1.7 miles upstream of Mount Herman Road (SR–606).	None	*258	Unincorporated Areas of Chesterfield County.
	At the confluence with Lake Chesdin	None	*163	
	Approximately 450 feet upstream of Beach Road (SR–655).	None	*241	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Chesterfield County

Maps are available for inspection at 9800 Government Center Parkway, Chesterfield, VA 23832.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 5, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12481 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1125]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1125, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility

Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Lawrence County, Illinois, and Incorporated Areas				
Brushy Creek	Approximately 100 feet downstream of North 1550th Street (County Route 5 Bridge).	None	+437	Unincorporated Areas of Lawrence County.
	Approximately at the downstream side of North 1550th Street (County Route 5 Bridge).	None	+437	
Wabash River	Approximately 3.5 miles downstream of the Wabash Cannonball Railroad Bridge.	None	+415	City of St. Francisville.
	Approximately 0.5 mile downstream of the Wabash Cannonball Railroad Bridge.	None	+417	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of St. Francisville

Maps are available for inspection at City Hall, 207 South 6th Street, St. Francisville, IL 62460.

Unincorporated Areas of Lawrence County

Maps are available for inspection at the Lawrence County Courthouse, 1100 State Street, Lawrenceville, IL 62439.

Marshall County, Kentucky, and Incorporated Areas				
Barrett Branch (Backwater effects from Tennessee River).	At the confluence with Little Cypress Creek	+342	+341	Unincorporated Areas of Marshall County.
	Approximately 1,600 feet upstream of the confluence with Howard Branch.	+342	+341	
Bee Creek	Approximately 1,250 feet downstream of KY–408	None	+390	City of Benton, Unincorporated Areas of Marshall County.
	Approximately 1,250 feet upstream of KY–408	None	+405	
Clear Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.8 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
Cypress Creek	Approximately 600 feet downstream of I–24	None	+347	City of Calvert City.
	Approximately 900 feet downstream of the confluence with Little John Creek.	None	+348	
Cypress Creek (Backwater effects from Tennessee River).	At the confluence with the Tennessee River	+342	+341	Unincorporated Areas of Marshall County.
	Approximately 0.7 mile downstream of Industrial Parkway (KY–1523).	+342	+341	
East Fork Clarks River	At the confluence with Strow Branch	None	+361	City of Benton.
	Approximately 0.5 mile upstream of U.S. Route 641 (Main Street).	None	+365	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Howard Branch (Backwater effects from Tennessee River).	From the confluence with Barrett Branch to approximately 0.6 mile upstream of the confluence with Barrett Branch.	+342	+341	Unincorporated Areas of Marshall County.
Jonathan Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 1.6 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
Little Cypress Creek (Backwater effects from Tennessee River).	At the confluence with Cypress Creek	+342	+341	Unincorporated Areas of Marshall County.
	Approximately 0.4 mile upstream of U.S. Route 62	+342	+341	
Little White Oak Creek (Backwater effects from Tennessee River).	From the confluence with White Oak Creek to approximately 1 mile upstream of the confluence with White Oak Creek.	+342	+341	Unincorporated Areas of Marshall County.
Olive Branch (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.7 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
Olive Branch Tributary 6 (Backwater effects from Kentucky Lake).	From the confluence with Olive Branch to approximately 0.6 mile upstream of the confluence with Olive Branch.	None	+375	Unincorporated Areas of Marshall County.
Ruff Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.6 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
Strow Branch	Approximately 500 feet downstream of West 1st Street.	None	+362	City of Benton, Unincorporated Areas of Marshall County.
	Approximately 300 feet downstream of KY–348	None	+372	
Strow Branch	Approximately 1,400 feet downstream of Allen Heights Drive.	None	+407	Unincorporated Areas of Marshall County.
	Approximately 500 feet upstream of Allen Heights Drive.	None	+433	
Strow Branch Tributary H	Approximately 1,000 feet downstream of Colonial Drive.	None	+424	Unincorporated Areas of Marshall County.
	Approximately 100 feet upstream of Colonial Drive	None	+447	
Tennessee River	Approximately 0.7 mile downstream of the confluence with White Oak Creek.	+342	+340	City of Calvert City, Unincorporated Areas of Marshall County.
	Just downstream of the Kentucky Dam	+345	+343	
Town Creek	Approximately 150 feet downstream of the railroad	None	+370	City of Benton.
	Approximately 950 feet upstream of the railroad	None	+373	
Town Creek	Approximately 1,300 feet upstream of Main Street	None	+398	City of Benton.
	At the confluence with Town Creek Tributary E	None	+410	
Town Creek Tributary C	At the confluence with Town Creek	None	+370	City of Benton, Unincorporated Areas of Marshall County.
	Just downstream of KY–408	None	+378	
Town Creek Tributary C	Just downstream of KY–1445	None	+389	City of Benton, Unincorporated Areas of Marshall County.
	Approximately 200 feet downstream of Haltom Road	None	+436	
Town Creek Tributary D	At the confluence with Town Creek	None	+398	City of Benton.
	Approximately 800 feet upstream of Country Club Lane.	None	+423	
Town Creek Tributary E	Just upstream of Golf Course Road	None	+416	Unincorporated Areas of Marshall County.
	Approximately 950 feet downstream of Town Creek Tributary F.	None	+436	
Town Creek Tributary F	Approximately 450 feet upstream of the confluence with Town Creek Tributary E.	None	+449	Unincorporated Areas of Marshall County.
	Approximately 1,100 feet upstream of the confluence with Town Creek Tributary E.	None	+462	
Tributary A East of Jackson Purchase Parkway.	Approximately 300 feet downstream of the railroad	None	+371	City of Benton, Unincorporated Areas of Marshall County.
	Approximately 450 feet downstream of Old Symsonia Road.	None	+397	
Tributary B East of Jackson Purchase Parkway.	At the confluence with Tributary A East of Jackson Purchase Parkway.	None	+389	Unincorporated Areas of Marshall County.

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	Approximately 350 feet downstream of Old Symsonia Road.	None	+399	
Tributary B West of Jackson Purchase Parkway.	Approximately 350 feet downstream of the railroad	None	+364	Unincorporated Areas of Marshall County.
	Just downstream of Symsonia Highway (KY–348)	None	+377	
West Fork Ruff Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.6 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Marshall County.
White Oak Creek (Backwater effects from Tennessee River).	From the confluence with the Tennessee River to approximately 1.5 mile upstream of the confluence with the Tennessee River.	+342	+340	Unincorporated Areas of Marshall County.
White Oak Creek Tributary 1 (Backwater effects from Tennessee River).	From the confluence with White Oak Creek to approximately 1,500 feet upstream of the confluence with White Oak Creek.	+342	+340	Unincorporated Areas of Marshall County.

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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Benton
Maps are available for inspection at 1009 Main Street, Benton, KY 42025.

City of Calvert City
Maps are available for inspection at 861 East 5th Avenue, Calvert City, KY 42029.

Unincorporated Areas of Marshall County
Maps are available for inspection at 1101 Main Street, Benton, KY 42025.

Sherburne County, Minnesota, and Incorporated Areas

Big Elk Lake	Entire Shoreline	+968	+969	Unincorporated Areas of Sherburne County.
Briggs Lake	Entire Shoreline	+968	+969	Unincorporated Areas of Sherburne County.
Eagle Lake	Entire Shoreline	None	+928	Unincorporated Areas of Sherburne County.
Elk Lake	Entire Shoreline	None	+953	Unincorporated Areas of Sherburne County.
Elk River	Approximately 50 feet upstream of U.S. Route 10	+878	+877	City of Becker, City of Big Lake, City of Elk River, Unincorporated Areas of Sherburne County.
	At Big Elk Lake	+968	+969	
Fremont Lake	Entire Shoreline	None	+977	City of Zimmerman, Unincorporated Areas of Sherburne County.
Julia Lake	Entire Shoreline	+968	+969	Unincorporated Areas of Sherburne County.
Long Pond	Entire Shoreline	None	+966	Unincorporated Areas of Sherburne County.
Rush Lake	Entire Shoreline	+968	+969	Unincorporated Areas of Sherburne County.
Trott Brook	At the Anoka County boundary	+880	+879	City of Elk River.
	Approximately 0.86 mile upstream of Brook Road	None	+943	

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Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Becker
Maps are available for inspection at City Hall, 12060 Sherburne Avenue, Becker, MN 55308.

City of Big Lake
Maps are available for inspection at City Hall, 160 Lake Street North, Big Lake, MN 55309.

City of Elk River
Maps are available for inspection at City Hall, 13065 Orono Parkway, Elk River, MN 55330.

City of Zimmerman
Maps are available for inspection at City Hall, 12980 Fremont Avenue, Zimmerman, MN 55398.

Unincorporated Areas of Sherburne County
Maps are available for inspection at the Sherburne County Government Center, 13880 U.S. Route 10, Elk River, MN 55330.

Broome County, New York (All Jurisdictions)				
Butler Brook	At the confluence with West Branch Delaware River	+986	+993	Village of Deposit.
	Approximately 200 feet upstream of Elm Street	+997	+998	
Chenango River	At the confluence with Susquehanna River Reach 1	+843	+846	City of Binghamton, Town of Barker, Town of Chenango, Town of Dickinson, Town of Fenton, Village of Port Dickinson.
	Approximately 5,210 feet upstream of State Route 79	+900	+901	
Choconut Creek	At the confluence with Susquehanna River Reach 1	+829	+832	Town of Vestal.
	Approximately 1,875 feet upstream of Front Street	+831	+832	
Deer Lake	Entire shoreline within county	None	+1521	Town of Windsor.
East Branch Nanticoke Creek	Approximately 3,026 feet downstream of Leekville Road.	None	+975	Town of Maine.
	Approximately 1,993 feet downstream of Leekville Road.	None	+979	
Little Snake Creek	At the confluence with Susquehanna River Reach 1	+862	+866	Town of Conklin.
	Approximately 100 feet downstream of Milltown Drive	+865	+866	
Nanticoke Creek	At the confluence with Susquehanna River Reach 1	+829	+831	Town of Maine, Town of Union, Village of Endicott.
	Approximately 1,400 feet upstream of Nanticoke Drive	+872	+870	
Oquaga Creek	At the confluence with West Branch Delaware River	+985	+992	Village of Deposit.
	Approximately 130 feet downstream of Mill Street	+991	+992	
Osborne Creek	At the confluence with the Chenango River	+869	+872	Town of Colesville, Town of Fenton.
	Approximately 2.5 miles upstream of Ballyhack Road	None	+1011	
Page Brook	At the confluence with the Chenango River	+876	+878	Town of Fenton.
	Approximately 630 feet downstream of Rodgers Road	+877	+878	
Snake Creek	At the confluence with Susquehanna River Reach 1	+864	+868	Town of Conklin.
	Approximately 1,800 feet upstream of Conklin Road	+867	+868	
Susquehanna River Reach 1	Approximately 3.6 miles downstream of Old Vestal Avenue.	+827	+828	City of Binghamton, Town of Binghamton, Town of Conklin, Town of Kirkwood, Town of Union, Town of Vestal, Village of Endicott, Village of Johnson City.
	Approximately 3.6 miles upstream of Cedarhurst Road.	+867	+872	
Susquehanna River Reach 2	Approximately 6.5 miles downstream of State Highway 17.	+912	+918	Town of Colesville, Town of Windsor, Village of Windsor.
	Approximately 890 feet upstream of Nineveh Bridge	+963	+965	
Tioughnioga River Reach 1	At the confluence with the Chenango River	None	+898	Town of Chenango.
	Approximately 1,270 feet upstream of State Route 12	None	+898	
West Branch Delaware River	Approximately 1.8 mile downstream of Hale Eddy Bridge Road.	+948	+953	Town of Sanford, Village of Deposit.
	Approximately 3,920 feet upstream of Pine Street	+994	+999	

* National Geodetic Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Binghamton
Maps are available for inspection at City Hall, 38 Hawley Street, Binghamton, NY 13901.

Town of Barker
Maps are available for inspection at the Barker Town Hall, 151 Hyde Street, Castle Creek, NY 13744.

Town of Binghamton
Maps are available for inspection at the Binghamton Town Hall, 279 Park Avenue, Binghamton, NY 13903.

Town of Chenango
Maps are available for inspection at the Chenango Town Hall, 1529 State Route 12, Binghamton, NY 13901.

Town of Colesville
Maps are available for inspection at the Colesville Town Hall, 780 Welton Street, Harpursville, NY 13787.

Town of Conklin
Maps are available for inspection at the Town Hall, 1271 Conklin Road, Conklin, NY 13748.

Town of Dickinson
Maps are available for inspection at the Dickinson Town Hall, 531 Old Front Street, Binghamton, NY 13905.

Town of Fenton
Maps are available for inspection at the Fenton Town Hall, 44 Park Street, Port Crane, NY 13833.

Town of Kirkwood
Maps are available for inspection at the Town Hall, 70 Crescent Drive, Kirkwood, NY 13795.

Town of Maine
Maps are available for inspection at the Town Hall, 12 Lewis Street, Maine, NY 13802.

Town of Sanford
Maps are available for inspection at the Sanford Town Hall, 91 2nd Street, Deposit, NY 13754.

Town of Union
Maps are available for inspection at the Union Town Hall, 3111 East Main Street, Endwell, NY 13760.

Town of Vestal
Maps are available for inspection at the Town Hall, 605 Vestal Parkway West, Vestal, NY 13850.

Town of Windsor
Maps are available for inspection at the Windsor Town Hall, 124 Main Street, Windsor, NY 13865.

Village of Deposit
Maps are available for inspection at the Village Hall, 146 Front Street, Deposit, NY 13754.

Village of Endicott
Maps are available for inspection at the Village Office, 1009 East Main Street, Endicott, NY 13760.

Village of Johnson City
Maps are available for inspection at the Village Municipal Office, 243 Main Street, Johnson City, NY 13790.

Village of Port Dickinson
Maps are available for inspection at the Port Dickinson Village Hall, 786 Chenango Street, Binghamton, NY 13901.

Village of Windsor
Maps are available for inspection at the Windsor Village Community House, 107 Main Street, Windsor, NY 13865.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 11, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12486 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1112]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1112, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Carter County, Kentucky, and Incorporated Areas				
Barrett Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 0.5 mile upstream of Eagle Drive.	None	+581	Unincorporated Areas of Carter County.
Bens Run (Backwater from Tygarts Creek).	From the confluence with Tygarts Creek to approximately 0.6 mile upstream of the confluence with Tygarts Creek.	None	+752	Unincorporated Areas of Carter County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Big Sinking Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 0.5 mile upstream of the confluence with the Little Sandy River.	None	+610	Unincorporated Areas of Carter County.
Davy Run (Backwater from Little Fork Little Sandy River).	From the confluence with Little Fork Little Sandy River to approximately 0.6 mile upstream of the confluence with Little Fork Little Sandy River.	None	+613	Unincorporated Areas of Carter County.
Dry Branch (Backwater from Tygarts Creek).	From the confluence with Tygarts Creek to just downstream of U.S. Route 60.	None	+804	Unincorporated Areas of Carter County.
Fourmile Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 400 feet upstream of Glory Lane.	None	+604	Unincorporated Areas of Carter County.
Huff Run (Backwater from Little Fork Little Sandy River).	From the confluence with Little Fork Little Sandy River to approximately 0.7 mile upstream of the confluence with Little Fork Little Sandy River.	None	+616	Unincorporated Areas of Carter County.
Johns Run (Backwater from Little Fork Little Sandy River).	From the confluence with Little Fork Little Sandy River to approximately 0.6 mile upstream of the confluence with Little Fork Little Sandy River.	None	+623	Unincorporated Areas of Carter County.
Lost Creek (Backwater from Dry Fork).	From the confluence with Dry Fork to approximately 0.5 mile downstream of Eddie Dean Road.	None	+632	Unincorporated Areas of Carter County.
Straight Creek (Backwater from Little Fork Little Sandy River).	From the confluence with Little Fork Little Sandy River to approximately 1,750 feet downstream of Mount Savage Lane.	None	+609	Unincorporated Areas of Carter County.
Wolf Creek (Backwater from Little Sandy River).	From the confluence with the Little Sandy River to approximately 0.6 mile upstream of the confluence with the Little Sandy River.	None	+603	Unincorporated Areas of Carter County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Carter County

Maps are available for inspection at 300 West Main Street, Grayson, KY 41143.

Butler County, Nebraska, and Incorporated Areas

Platte River	Approximately 100 feet downstream of the Saunders County boundary.	None	+1,309	Unincorporated Areas of Butler County.
	Approximately 575 feet downstream of the Polk County boundary.	None	+1,442	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Butler County

Maps are available for inspection at 451 North 5th Street, David City, NE 68632.

Otoe County, Nebraska, and Incorporated Areas

Missouri River	At easternmost tip of the Otoe County limits	+913	+914	City of Nebraska City, Unincorporated Areas of Otoe County.
	At Nebraska Highway 2/Burlington Northern Railroad	+930	+931	
	At Everett Lane extended	+940	+943	

* National Geodetic Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Nebraska City
Maps are available for inspection at 1409 Central Avenue, Nebraska City, NE 68410.

Unincorporated Areas of Otoe County
Maps are available for inspection at the Otoe County Courthouse, 1021 Central Avenue, Nebraska City, NE 68410.

Rio Arriba County, New Mexico, and Incorporated Areas				
Llano Ditch Tributary	Just downstream of McCurdy Road Northwest	None	+5,655	Unincorporated Areas of Rio Arriba County, Pueblo of Ohkay Owingeh.
	Just upstream of Simmons Lane	None	+5,705	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Pueblo of Ohkay Owingeh
Maps are available for inspection at the Governor's Office, 1 Kee Road, Espanola, NM 87532.

Unincorporated Areas of Rio Arriba County
Maps are available for inspection at the County Clerk's Office, 1122 Industrial Park Road, Espanola, NM 87532.

Wake County, North Carolina, and Incorporated Areas				
Basin 10, Stream 13	At the confluence with Basin 10, Stream 14	+277	+276	Unincorporated Areas of Wake County.
	Approximately 1,400 feet upstream of the confluence with Basin 10, Stream 14.	+277	+276	
Basin 10, Stream 14	Approximately 0.5 mile upstream of the confluence with the Little River.	+269	+268	Unincorporated Areas of Wake County.
	At the Wake County boundary	+306	+307	
Horse Creek Tributary 1	At the downstream side of Keighley Forest Drive	None	+341	Unincorporated Areas of Wake County.
	Approximately 850 feet upstream of Keighley Forest Drive.	None	+345	
Richland Creek	Approximately 850 feet upstream of the confluence with Richland Creek Tributary 2.	+302	+301	Town of Wake Forest.
	Approximately 500 feet downstream of the confluence with Hattles Branch.	+312	+315	
Richland Creek Tributary 2 ...	Approximately 750 feet upstream of the confluence with Richland Creek.	None	+301	Town of Wake Forest.
	Approximately 0.4 mile upstream of the confluence with Richland Creek.	None	+317	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of Wake Forest

Maps are available for inspection at the Planning Department, 401 Elm Street, Wake Forest, NC 27587.

Unincorporated Areas of Wake County

Maps are available for inspection at the Wake County Office Building, Environmental Services, 1st Floor, 337 Salisbury Street, Raleigh, NC 27601.

Wagoner County, Oklahoma, and Incorporated Areas

Adams Creek	Approximately 717 feet downstream of the confluence with School Creek.	None	+600	Town of Fair Oaks.
	Approximately 0.61 mile upstream of the confluence with School Creek.	None	+605	
Salt Creek	Approximately 0.60 mile downstream of 305th Avenue	None	+557	Town of Fair Oaks.
	Approximately 365 feet upstream of 257th Avenue	None	+607	
Verdigris River	Approximately 245 feet downstream of 72nd Street	None	+516	Town of Okay.
	Approximately 0.45 mile upstream of 72nd Street	None	+516	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of Fair Oaks

Maps are available for inspection at the Office of the County Commissioner, 219 South Missouri Street, Claremore, OK 74017.

Town of Okay

Maps are available for inspection at the Office of the County Commissioner, 306 East Cherokee Street, Wagoner, OK 74107.

Erath County, Texas, and Incorporated Areas

North Bosque River	Just upstream of East Lingleville Road	None	+1,265	Unincorporated Areas of Erath County.
	Approximately 0.5 mile upstream of State Highway 108.	None	+1,276	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Erath County

Maps are available for inspection at the Erath County Courthouse, 100 West Washington, Stephenville, TX 76401.

Limestone County, Texas, and Incorporated Areas

Salt River	Just upstream of State Highway 14	None	+473	Unincorporated Areas of Limestone County.
	Approximately 0.66 mile upstream of State Highway 14.	None	+483	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Limestone County

Maps are available for inspection at the Limestone County Courthouse, 200 West State Street, Groesbeck, TX 76642.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance")

Dated: May 11, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12490 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1115]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1115, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Bradford County, Florida, and Incorporated Areas				
Lake Crosby	Entire shoreline	None	+135	City of Starke, Unincorporated Areas of Bradford County.
Lake Rowell	Entire shoreline	None	+135	Unincorporated Areas of Bradford County.
Lake Sampson	Entire shoreline	None	+135	Unincorporated Areas of Bradford County.
Unnamed Ponding Area	North boundary: Approximately 2,000 feet south of Route 100/East boundary: Approximately 1,000 feet west of Southwest 75th Avenue/ South boundary: Southwest 163rd Street/West boundary: Approximately 1,500 feet east of Southwest 101st Avenue.	None	+138	Unincorporated Areas of Bradford County.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Starke

Maps are available for inspection at the City Clerk's Office, 209 North Thompson Street, Starke, FL 32091.

Unincorporated Areas of Bradford County

Maps are available for inspection at the Bradford County Building and Zoning Department, 945–F North Temple Avenue, Starke, FL 32091.

Pike County, Illinois, and Incorporated Areas				
Hardy Creek	Approximately 0.67 mile upstream of East Street	None	+452	Unincorporated Areas of Pike County.
	Approximately 0.74 mile upstream of East Street	None	+452	
Illinois River	Approximately 1,660 feet downstream of Bee Creek Road (River Mile 38.9).	+442	+441	Unincorporated Areas of Pike County.
	Approximately 0.59 mile downstream of County Route 176 North (River Mile 40.2).	+442	+441	
	Approximately 1.56 miles upstream of County Route 2400 North extended (River Mile 66.6).	+446	+447	
	Approximately 0.54 mile upstream of IL–104 (River Mile 71.9).	+447	+448	
Kiser Creek Diversion Ditch.	Approximately 1,795 feet downstream of IL–96 ..	None	+478	Town of New Canton.
	Approximately 1,848 feet upstream of IL–96	None	+486	
Mississippi River	Approximately 0.65 mile downstream of U.S. Route 54 (River Mile 282.5).	+462	+463	Unincorporated Areas of Pike County.
	Approximately 700 feet upstream of 1st Avenue extended (River Mile 312).	+477	+479	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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		Effective	Modified	

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of New Canton

Maps are available for inspection at the Sny Island Drainage District, 490 North Main Street, New Canton, IL 62356.

Unincorporated Areas of Pike County

Maps are available for inspection at the Pike County Courthouse, 100 East Washington Street, Pittsfield, IL 62363.

Clay County, Indiana, and Incorporated Areas

Birch Creek—Pouges Run	Approximately 720 feet downstream of White Rock Road.	None	+624	City of Brazil, Unincorporated Areas of Clay County.
	Approximately 1.29 miles upstream of White Rock Road.	None	+652	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

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ADDRESSES

City of Brazil

Maps are available for inspection at City Hall, 203 East National Avenue, Brazil, IN 47834.

Unincorporated Areas of Clay County

Maps are available for inspection at the Clay County Emergency Management Agency, Clay County Justice Center, 611 East Jackson Street, Brazil, IN 47834.

Owen County, Kentucky, and Incorporated Areas

Balls Branch (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.4 mile upstream of Point of Rock Road.	None	+495	Unincorporated Areas of Owen County.
Big Twin Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 2.3 miles upstream of KY–355.	None	+478	Unincorporated Areas of Owen County.
Cedar Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1,230 feet upstream of U.S. Route 127.	None	+493	City of Monterey, Unincorporated Areas of Owen County.
Clay Lick Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 780 feet upstream of the confluence with Clay Lick Creek Tributary 3.	None	+485	City of Gratz, Unincorporated Areas of Owen County.
Clay Lick Creek Tributary 3 (Backwater effects from Kentucky River).	From the confluence with Clay Lick Creek to approximately 1,585 feet upstream of the confluence with Clay Lick Creek.	None	+485	Unincorporated Areas of Owen County.
Eagle Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1.2 mile upstream of KY–227.	None	+473	Unincorporated Areas of Owen County.
Kentucky River	At the confluence with Eagle Creek	None	+473	City of Gratz, City of Monterey, Unincorporated Areas of Owen County.
	At approximately 3.3 miles upstream of the confluence with Balls Branch.	None	+497	
Little Twin Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 485 feet upstream of KY–325.	None	+478	Unincorporated Areas of Owen County.
Lowderbach Branch (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.5 mile upstream of KY–355.	None	+485	City of Gratz, Unincorporated Areas of Owen County.

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Mill Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 100 feet downstream of KY–355.	None	+478	Unincorporated Areas of Owen County.
Mint Spring Branch (Backwater effects from Kentucky River).	From the confluence with Severn Creek to approximately 0.45 mile upstream of the confluence with Severn Creek.	None	+489	Unincorporated Areas of Owen County.
Severn Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1.6 mile upstream of the confluence with Mint Spring Branch.	None	+489	Unincorporated Areas of Owen County.

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ADDRESSES

City of Gratz

Maps are available for inspection at City Hall, 94 Main Street, Gratz, KY 40327.

City of Monterey

Maps are available for inspection at City Hall, 610 Monterey Pike, Monterey, KY 40359.

Unincorporated Areas of Owen County

Maps are available for inspection at the Owen County Courthouse, 100 North Thomas Street, Owenton, KY 40359.

Trigg County, Kentucky, and Incorporated Areas

Barnett Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 2,324 feet upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Trigg County.
Beechy Fork (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.75 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Big Hurricane Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 2,185 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Blockhouse Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 1,850 feet upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Trigg County.
Colson Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 1,426 feet upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Trigg County.
Craig Branch (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.6 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Crooked Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.8 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Cumberland River Tributary 1 (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 2,538 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Donaldson Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 1.0 mile upstream of Linton Road.	None	+375	Unincorporated Areas of Trigg County.
Donaldson Creek Tributary 1 (Backwater effects from Lake Barkley).	From the confluence with Donaldson Creek to approximately 1,200 feet upstream of the confluence with Donaldson Creek.	None	+375	Unincorporated Areas of Trigg County.
Donaldson Creek Tributary 19 (Backwater effects from Lake Barkley).	From the confluence with Donaldson Creek to approximately 1,315 feet upstream of the confluence with Donaldson Creek.	None	+375	Unincorporated Areas of Trigg County.

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Dry Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.56 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Dry Creek I (Backwater effects from Lake Barkley).	From the confluence with Muddy Fork Little River to approximately 2,430 feet upstream of the confluence with Muddy Fork Little River.	None	+375	Unincorporated Areas of Trigg County.
Dyers Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 2,335 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Dyers Creek Tributary 1.1 (Backwater effects from Lake Barkley).	From the confluence with Dyers Creek to approximately 1,030 feet upstream of the confluence with Dyers Creek.	None	+375	Unincorporated Areas of Trigg County.
Elbow Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 2,715 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Hopson Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.54 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Jake Fork (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 1,407 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Kelly Branch (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.57 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Kentucky Lake	Entire shoreline within county	None	+375	Unincorporated Areas of Trigg County.
Lake Barkley	Entire shoreline within county	None	+375	Unincorporated Areas of Trigg County.
Laura Furnace Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.71 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Lick Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.55 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Little Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.78 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Little Hurricane Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 2,280 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Little River (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 4.5 miles upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Little River Tributary 1 (Backwater effects from Lake Barkley).	From the confluence with the Little River to approximately 1,678 feet upstream of the confluence with the Little River.	None	+375	Unincorporated Areas of Trigg County.
Little River Tributary 40 (Backwater effects from Lake Barkley).	From the confluence with the Little River to approximately 1,330 feet upstream of the confluence with the Little River.	None	+375	Unincorporated Areas of Trigg County.
Long Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.83 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Long Pond Branch (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 1,793 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Muddy Fork Little River (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.8 mile upstream of Princeton Road.	None	+375	Unincorporated Areas of Trigg County.
North Fork Sugar Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.57 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Trigg County.
Pond Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.6 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.

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Rhodes Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.54 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Trigg County.
Shaw Branch (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 1,740 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Shelly Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 0.52 mile upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Taylor Creek (Backwater effects from Lake Barkley).	From the confluence with Lake Barkley to approximately 2,435 feet upstream of the confluence with Lake Barkley.	None	+375	Unincorporated Areas of Trigg County.
Turkey Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 0.54 mile upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Trigg County.
Vickers Creek (Backwater effects from Kentucky Lake).	From the confluence with Kentucky Lake to approximately 2,376 feet upstream of the confluence with Kentucky Lake.	None	+375	Unincorporated Areas of Trigg County.
West Fork Laura Furnace Creek (Backwater effects from Lake Barkley).	From the confluence with Laura Furnace Creek to approximately 1,247 feet upstream of the confluence with Laura Furnace Creek.	None	+375	Unincorporated Areas of Trigg County.

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ADDRESSES

Unincorporated Areas of Trigg County

Maps are available for inspection at the Trigg County Courthouse, 12 Court Street, Cadiz, KY 42211.

Buchanan County, Missouri, and Incorporated Areas

102 River	At the confluence with the Platte River	+847	+848	City of St. Joseph, Unincorporated Areas of Buchanan County.
	Approximately 1.1 mile upstream of Cook Road	+861	+864	
Bee Creek	Approximately 1.3 mile downstream of Stafford Road.	+883	+882	Unincorporated Areas of Buchanan County.
	Approximately 360 feet upstream of Southeast Vincent Road.	None	+942	
Blacksnake Creek	Just upstream of Jules Street	+840	+837	City of St. Joseph.
	Approximately 895 feet upstream of U.S. Route 59.	+936	+940	
Brown's Branch	Approximately 1,025 feet downstream of 3rd Street.	+859	+861	City of St. Joseph.
	Approximately 0.7 mile upstream of 3rd Street	None	+904	
Castile Creek	Approximately 500 feet downstream of Missouri Route 116.	+821	+822	Unincorporated Areas of Buchanan County.
	Approximately 2.5 miles upstream of the confluence with Jenkins Branch.	+839	+838	
Charles Street Drainage Course.	Approximately 365 feet downstream of Edmund Street.	+858	+854	City of St. Joseph.
	Approximately 147 feet upstream of 25th Street	None	+982	
Contrary Creek	Approximately 1,483 feet upstream of the confluence with the Missouri River.	None	+808	City of St. Joseph, Unincorporated Areas of Buchanan County.
	Approximately 3.7 miles upstream of the confluence with the Missouri River.	None	+808	
	Approximately 63 feet downstream of Marie Road.	None	+832	
	Approximately 0.8 mile upstream of Keck Lane	None	+849	

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Corby Parkway Drainage Course.	At the confluence with Blacksnake Creek	None	+863	City of St. Joseph.
	Approximately 1,260 feet upstream of Corby Parkway.	None	+904	
East Branch Bee Creek	At the confluence with Bee Creek	None	+925	Unincorporated Areas of Buchanan County.
	Approximately 0.9 mile upstream of Missouri Route DD.	None	+944	
Jenkins Branch	At the confluence with Castile Creek	+826	+827	Unincorporated Areas of Buchanan County.
	Approximately 1,500 feet upstream of Missouri Route H.	+901	+900	
Little Third Fork Platte River.	At the confluence with the Third Fork Platte River.	+854	+858	Unincorporated Areas of Buchanan County.
	Approximately 0.5 mile upstream of County Road 135 Northeast.	+861	+862	
Missouri River	Approximately 2.0 miles downstream of U.S. Route 59.	+789	+791	City of Rushville, City of St. Joseph.
	Approximately 4.2 miles upstream of the confluence with Blacksnake Creek.	+821	+825	Unincorporated Areas of Buchanan County, Village of Lewis And Clark.
Mitchell Avenue Drainage Course.	Just upstream of 13th Street	+841	+849	City of St. Joseph.
	Approximately 950 feet upstream of Frederick Avenue.	+925	+924	
North Tributary to Blacksnake Creek.	At the confluence with Blacksnake Creek	+918	+921	City of St. Joseph.
	Approximately 370 feet upstream of Miller Road	+949	+950	
North Tributary to Brown's Branch.	At the confluence with Brown's Branch	+878	+881	City of St. Joseph.
	Approximately 78 feet upstream of 14th Street ...	None	+935	
North Tributary to Whitehead Creek.	At the confluence with Whitehead Creek	+856	+859	City of St. Joseph.
	Approximately 12 feet upstream of Pickett Road	None	+906	
Pigeon Creek	At the confluence with the Platte River	+838	+839	Town of Agency, Unincorporated Areas of Buchanan County.
	Approximately 3.0 miles upstream of Missouri Route FF.	+878	+883	
Platte River	Approximately 1.0 mile upstream of Missouri Route 116.	+824	+823	City of St. Joseph, Town of Agency.
	Approximately 1.1 mile upstream of Cook Road	+855	+856	Unincorporated Areas of Buchanan County.
Possum Hollow	Approximately 1,670 feet upstream of the confluence with Pigeon Creek.	+838	+839	Town of Agency, Unincorporated Areas of Buchanan County.
	Approximately 40 feet downstream of Missouri Route H.	+838	+839	
South Tributary to Whitehead Creek.	Approximately 825 feet downstream of I–229	None	+838	City of St. Joseph.
	Approximately 106 feet downstream of Center Drive.	+935	+934	
Third Fork Platte River	Approximately 1.5 mile upstream of the confluence with the Platte River.	+846	+845	Unincorporated Areas of Buchanan County.
	Approximately 0.5 mile upstream of Missouri Route P.	+874	+873	
Whitehead Creek	Approximately 30 feet downstream of I–229	None	+829	City of St. Joseph.
	Approximately 1.8 mile upstream of South 22nd Street.	None	+888	

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ADDRESSES

City of Rushville
Maps are available for inspection at the Buchanan County Courthouse, 411 Jules Street, St. Joseph, MO 64501.

City of St. Joseph
Maps are available for inspection at City Hall, 1100 Frederick Avenue, St. Joseph, MO 64501.

Town of Agency
Maps are available for inspection at the Town Hall, State Route FF, Agency, MO 64401.

Unincorporated Areas of Buchanan County
Maps are available for inspection at the Buchanan County Courthouse, 411 Jules Street, St. Joseph, MO 64501.

Village of Lewis And Clark
Maps are available for inspection at the Village Hall, 400 Lake Crest Drive, Rushville, MO 64484.

Gasconade County, Missouri, and Incorporated Areas

Brushy Fork (Backwater effects from Missouri River).	From the confluence with First Creek to approximately 0.64 mile upstream of the confluence with Howard Creek.	+524	+526	Unincorporated Areas of Gasconade County.
Cole Creek (Backwater effects from Missouri River).	From the confluence with the Missouri River to approximately 1.4 mile upstream of the confluence with the Missouri River.	None	+522	Unincorporated Areas of Gasconade County.
First Creek (Backwater effects from Missouri River).	From the confluence with the Gasconade River to approximately 1,320 feet upstream of the confluence with First Creek Tributary 6.	+524	+526	Unincorporated Areas of Gasconade County.
First Creek Tributary 6 (Backwater effects from Missouri River).	From the confluence with First Creek to approximately 1,478 feet upstream of the confluence with First Creek.	+524	+526	Unincorporated Areas of Gasconade County.
Frene Creek (Backwater effects from Missouri River).	From the confluence with the Missouri River to approximately 68 feet downstream of 14th Street.	+518	+519	City of Hermann, Unincorporated Areas of Gasconade County.
Frene Creek Tributary 8 (Backwater effects from Missouri River).	From the confluence with Frene Creek to approximately 314 feet upstream of Schiefers Branch Road.	+518	+519	City of Hermann, Unincorporated Areas of Gasconade County.
Gasconade River (Backwater effects from Missouri River).	From the confluence with the Missouri River to approximately 0.58 mile downstream of the confluence with Gasconade River Tributary 26.	+524	+526	Unincorporated Areas of Gasconade County.
Howard Creek (Backwater effects from Missouri River).	From the confluence with Brushy Fork to approximately 0.74 mile upstream of the confluence with Brushy Fork.	None	+526	Unincorporated Areas of Gasconade County.
Little Berger Creek (Backwater effects from Missouri River).	From the confluence with the Missouri River to Missouri Route 100.	+513	+515	Unincorporated Areas of Gasconade County.
Missouri River	Approximately 0.7 mile upstream of the confluence with Little Berger Creek in Franklin County.	+515	+516	Unincorporated Areas of Gasconade County.
	Approximately 690 feet downstream of the confluence with Shawnee Creek.	+527	+528	
Richland Creek (Backwater effects from Missouri River).	From the confluence with the Gasconade River to approximately 1,816 feet downstream of the confluence with Richland Creek Tributary 2.	+524	+526	Unincorporated Areas of Gasconade County.
Sugar Creek (Backwater effects from Missouri River).	From approximately 0.68 mile downstream of Missouri Route J to the confluence with the Gasconade River.	+524	+526	Unincorporated Areas of Gasconade County.

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ADDRESSES

City of Hermann
Maps are available for inspection at 1902 Jefferson Street, Hermann, MO 65041.

Unincorporated Areas of Gasconade County
Maps are available for inspection at 119 East 1st Street, Hermann, MO 65041.

Anderson County, South Carolina, and Incorporated Areas

Bailey Creek	Approximately 600 feet upstream of the confluence with Cox Creek.	None	+673	City of Anderson, Unincorporated Areas of Anderson County.
	Approximately 1.4 mile upstream of Simpson Road.	None	+732	
Bear Creek	At the confluence with the Rocky River	None	+556	Unincorporated Areas of Anderson County.
	Approximately 1.7 mile upstream of Due West Highway.	None	+714	
Beaver Creek	At the confluence with the Rocky River	None	+571	Unincorporated Areas of Anderson County.
	Approximately 2,300 feet upstream of the confluence with Beaver Creek Tributary 15.	None	+770	
Beaver Creek Tributary 1	At the confluence with Beaver Creek	None	+572	Unincorporated Areas of Anderson County.
	Approximately 1,100 feet upstream of Mimosa Trail.	None	+585	
Beaver Creek Tributary 12	Approximately 380 feet upstream of the confluence with Beaver Creek.	None	+690	Unincorporated Areas of Anderson County.
	Approximately 2,180 feet upstream of Kaye Drive.	None	+738	
Beaver Creek Tributary 13	Approximately 270 feet upstream of the confluence with Beaver Creek.	None	+704	Unincorporated Areas of Anderson County.
	Approximately 1,050 feet upstream of Keys Street.	None	+789	
Beaver Creek Tributary 14	Approximately 210 feet upstream of the confluence with Beaver Creek.	None	+704	Unincorporated Areas of Anderson County.
	Approximately 650 feet upstream of Winfield Drive.	None	+776	
Beaver Creek Tributary 15	At the confluence with Beaver Creek	None	+744	Unincorporated Areas of Anderson County.
	Approximately 3,010 feet upstream of the confluence with Beaver Creek.	None	+764	
Beaverdam Creek A	At the confluence with the Rocky River	None	+690	Unincorporated Areas of Anderson County.
	Approximately 3,480 feet upstream of Welcome Road.	None	+766	
Beaverdam Creek A Tributary 15.	At the confluence with Beaverdam Creek A	None	+757	Unincorporated Areas of Anderson County.
	Approximately 3,530 feet upstream of the confluence with Beaverdam Creek A.	None	+774	
Beaverdam Creek B Tributary 3.	Approximately 260 feet downstream of I–85	None	+680	Unincorporated Areas of Anderson County.
	Approximately 2,860 feet upstream of I–85	None	+717	
Big Brushy Creek	Approximately 500 feet upstream of the confluence with the Saluda River.	None	+777	Unincorporated Areas of Anderson County.
	At the Pickens County boundary	None	+901	
Big Brushy Creek Tributary 17.	At the confluence with Big Brushy Creek	None	+789	Unincorporated Areas of Anderson County.
	Approximately 4,330 feet upstream of the confluence with Big Brushy Creek.	None	+809	
Big Brushy Creek Tributary 23.	At the confluence with Big Brushy Creek	None	+782	Unincorporated Areas of Anderson County.
	Approximately 550 feet upstream of Blossom Branch Road.	None	+818	
Big Brushy Creek Tributary 9.	At the confluence with Big Brushy Creek	None	+800	Unincorporated Areas of Anderson County.
	Approximately 450 feet upstream of Cater Drive	None	+810	

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Big Creek	At the confluence with the Saluda River	None	+647	Town of Williamston, Unincorporated Areas of Anderson County.
	Approximately 2,060 feet upstream of U.S. Route 29.	None	+871	
Big Creek Tributary 13	At the confluence with Big Creek	None	+695	Unincorporated Areas of Anderson County.
	Approximately 2,640 feet upstream of the confluence with Big Creek.	None	+716	
Big Garvin Creek	At the confluence with Three and Twenty Creek	None	+726	Unincorporated Areas of Anderson County.
	Approximately 1,950 feet upstream of Central Road.	None	+788	
Big Garvin Creek Tributary 3.	At the confluence with Big Garvin Creek	None	+745	Unincorporated Areas of Anderson County.
	Approximately 630 feet upstream of Bishops Branch Road.	None	+767	
Big Generostee Creek	Approximately 600 feet upstream of the confluence with Lazy Branch.	None	+613	Unincorporated Areas of Anderson County.
	Just downstream of Michelin Boulevard	None	+664	
Big Generostee Creek Tributary 15.	At the confluence with Big Generostee Creek	None	+624	Unincorporated Areas of Anderson County.
	Approximately 1,860 feet upstream of the confluence with Big Generostee Creek.	None	+644	
Big Generostee Creek Tributary 17.	At the confluence with Big Generostee Creek	None	+627	Unincorporated Areas of Anderson County.
	Approximately 1,980 feet upstream of the confluence with Big Generostee Creek.	None	+644	
Big Generostee Creek Tributary 20.	At the confluence with Big Generostee Creek	None	+634	Unincorporated Areas of Anderson County.
	Approximately 2,160 feet upstream of the confluence with Big Generostee Creek.	None	+661	
Big Generostee Creek Tributary 22.	At the confluence with Big Generostee Creek	None	+641	Unincorporated Areas of Anderson County.
	Approximately 4,180 feet upstream of the confluence with Big Generostee Creek.	None	+685	
Big Generostee Creek Tributary 28.	Approximately 480 feet upstream of the confluence with Big Generostee Creek.	None	+670	Unincorporated Areas of Anderson County.
	Approximately 490 feet upstream of the railroad	None	+787	
Big Generostee Creek Tributary 30.	Approximately 380 feet upstream of the confluence with Big Generostee Creek.	None	+679	Unincorporated Areas of Anderson County.
	Approximately 2,540 feet upstream of the confluence with Big Generostee Creek.	None	+690	
Big Generostee Creek Tributary 31.	Approximately 1,000 feet upstream of the confluence with Big Generostee Creek.	None	+682	Unincorporated Areas of Anderson County.
	Approximately 2,130 feet upstream of West Shockley Fry Road.	None	+794	
Big Generostee Creek Tributary 32.	Approximately 960 feet upstream of the confluence with Big Generostee Creek.	None	+683	Unincorporated Areas of Anderson County.
	Approximately 100 feet upstream of New Pond Road.	None	+773	
Broad Mouth Creek	At the Abbeville County boundary	None	+593	Unincorporated Areas of Anderson County.
	Approximately 2,700 feet upstream of State Highway 247.	None	+778	
Broad Mouth Creek Tributary 11.	At the confluence with Broad Mouth Creek	None	+648	Unincorporated Areas of Anderson County.
	Approximately 1,330 feet upstream of Nalley Road.	None	+667	
Broad Mouth Creek Tributary 11.1.	At the confluence with Broad Mouth Creek Tributary 11.	None	+651	Unincorporated Areas of Anderson County.
	Approximately 1,380 feet upstream of the confluence with Broad Mouth Creek Tributary 11.	None	+664	
Broadway Creek	At the confluence with the Rocky River	None	+597	Unincorporated Areas of Anderson County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 300 feet downstream of Broadway School Road.	None	+672	
Brushy Creek	At the confluence with Big Brushy Creek	None	+802	Unincorporated Areas of Anderson County.
	At the Pickens County boundary	None	+877	
Brushy Creek Tributary 7	At the confluence with Big Brushy Creek	None	+819	Unincorporated Areas of Anderson County.
	Approximately 3,010 feet upstream of Laboone Road.	None	+851	
Camp Creek	Approximately 1,250 feet upstream of Cherokee Road.	None	+801	Town of Williamston.
	Approximately 1,850 feet upstream of Cherokee Road.	None	+805	
Canoe Creek	At the confluence with Little Generostee Creek	None	+490	Unincorporated Areas of Anderson County.
	Approximately 2.0 miles upstream of Turpin Road.	None	+635	
Canoe Creek Tributary 3	At the confluence with Canoe Creek	None	+520	Unincorporated Areas of Anderson County.
	Approximately 2,900 feet upstream of Gene Forester Road.	None	+620	
Canoe Creek Tributary 6	At the confluence with Canoe Creek	None	+544	Unincorporated Areas of Anderson County.
	Approximately 2,800 feet upstream of Hatchery Road.	None	+626	
Canoe Creek Tributary 6.1	At the confluence with Canoe Creek Tributary 6	None	+553	Unincorporated Areas of Anderson County.
	Approximately 260 feet upstream of Gray Circle	None	+588	
Carmel Creek	At the confluence with Three and Twenty Creek	None	+796	Unincorporated Areas of Anderson County.
	At the Pickens County boundary	None	+824	
Charles Creek	At the confluence with Three and Twenty Creek	None	+804	Unincorporated Areas of Anderson County.
	Approximately 1.2 mile upstream of Ridge Road	None	+867	
Cherokee Creek	Approximately 660 feet upstream of the confluence with Cherokee Creek Tributary 17.	None	+773	City of Belton, Unincorporated Areas of Anderson County.
	Approximately 970 feet upstream of the confluence with Cherokee Creek Tributary 17.	None	+793	
Cherokee Creek Tributary 17.	At the confluence with Cherokee Creek	None	+780	City of Belton, Unincorporated Areas of Anderson County.
	Approximately 1,090 feet upstream of Watkins Road.	None	+792	
Corner Creek	Approximately 400 feet upstream of the Abbeville County boundary.	None	+692	Town of Honea Path, Unincorporated Areas of Anderson County.
	Approximately 150 feet upstream of Oak Drive	None	+762	
Corner Creek Tributary 2	At the confluence with Corner Creek	None	+703	Town of Honea Path, Unincorporated Areas of Anderson County.
	Approximately 830 feet upstream of Pinson Drive	None	+771	
Corner Creek Tributary 4	Approximately 200 feet upstream of the confluence with Corner Creek.	None	+717	Town of Honea Path.
	Approximately 460 feet upstream of Park Avenue.	None	+740	
Craven Creek	Approximately 400 feet upstream of the confluence with the Saluda River.	None	+787	Unincorporated Areas of Anderson County.
	Approximately 3,010 feet upstream of Cannon Lane.	None	+795	
Crooked Creek	At the confluence with Little Generostee Creek	None	+481	Unincorporated Areas of Anderson County.
	Approximately 1.3 mile upstream of Sam Turner Road.	None	+530	
Crooked Creek Tributary 2	At the confluence with Crooked Creek	None	+497	Unincorporated Areas of Anderson County.
	Approximately 2,170 feet upstream of the confluence with Crooked Creek.	None	+511	

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		Effective	Modified	
Cuffie Creek	At the confluence with Three and Twenty Creek	None	+729	Unincorporated Areas of Anderson County.
	Approximately 2.1 miles upstream of Bishops Branch Road.	None	+809	
Deep Step Creek	At the confluence with Jordan Creek	None	+613	Unincorporated Areas of Anderson County.
	Approximately 1,600 feet upstream of the confluence with Jordan Creek.	None	+623	
Double Branch	At the confluence with Three and Twenty Creek	None	+758	Unincorporated Areas of Anderson County.
	Approximately 3,220 feet upstream of Burgess Road.	None	+789	
East Beards Creek	At the Abbeville County boundary	None	+505	Unincorporated Areas of Anderson County.
	Approximately 100 feet upstream of Saxton Gin Road.	None	+726	
East Prong Creek	At the confluence with Little Generostee Creek	None	+518	Unincorporated Areas of Anderson County.
	Approximately 70 feet downstream of Johnny Long Road.	None	+647	
East Prong Creek Tributary 11.	At the confluence with East Prong Creek	None	+578	Unincorporated Areas of Anderson County.
	Approximately 1,340 feet upstream of Hall Road	None	+641	
Eighteen Mile Creek	Approximately 1,100 feet upstream of the confluence with the Seneca River.	None	+663	Town of Pendleton, Unincorporated Areas of Anderson County.
	Approximately 80 feet upstream of Central Road	None	+709	
Eighteen Mile Creek Tributary 1.	At the confluence with Eighteen Mile Creek	None	+663	Unincorporated Areas of Anderson County.
	Approximately 2,090 feet upstream of the confluence with Eighteen Mile Creek.	None	+663	
Eighteen Mile Creek Tributary 3.	At the confluence with Eighteen Mile Creek	None	+664	Unincorporated Areas of Anderson County.
	Approximately 2,780 feet upstream of the confluence with Eighteen Mile Creek.	None	+670	
Eighteen Mile Creek Tributary 4.	At the confluence with Eighteen Mile Creek	None	+665	Unincorporated Areas of Anderson County.
	Approximately 2,410 feet upstream of the confluence with Eighteen Mile Creek.	None	+678	
Eighteen Mile Creek Tributary 5.	At the confluence with Eighteen Mile Creek	None	+665	Unincorporated Areas of Anderson County.
	Approximately 2,960 feet upstream of the confluence with eighteen Mile Creek.	None	+674	
Eighteen Mile Creek Tributary 6.	At the confluence with Eighteen Mile Creek	None	+667	Unincorporated Areas of Anderson County.
	Approximately 2,350 feet upstream of the confluence with Eighteen Mile Creek.	None	+677	
Eighteen Mile Creek Tributary 7.	At the confluence with Eighteen Mile Creek	None	+667	Unincorporated Areas of Anderson County.
	Approximately 2,060 feet upstream of Fants Grove Circle.	None	+692	
Eighteen Mile Creek Tributary 10.	At the confluence with Eighteen Mile Creek	None	+671	Unincorporated Areas of Anderson County.
	Approximately 3,710 feet upstream of the confluence with Eighteen Mile Creek.	None	+734	
Eighteen Mile Creek Tributary 11.	At the confluence with Eighteen Mile Creek	None	+671	Unincorporated Areas of Anderson County.
	Approximately 1.6 mile upstream of the confluence with Eighteen Mile Creek.	None	+734	
Eighteen Mile Creek Tributary 12.	At the confluence with Eighteen Mile Creek	None	+674	Unincorporated Areas of Anderson County.
	Approximately 3,380 feet upstream of the confluence with Eighteen Mile Creek.	None	+694	
Eighteen Mile Creek Tributary 13.	At the confluence with Eighteen Mile Creek	None	+680	Unincorporated Areas of Anderson County.

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		Effective	Modified	
	Approximately 1,110 feet upstream of Fants Grove Road.	None	+718	
Eighteen Mile Creek Tributary 13.2.	At the confluence with Eighteen Mile Creek Tributary 13.	None	+697	Unincorporated Areas of Anderson County.
	Approximately 3,020 feet upstream of the confluence with Eighteen Mile Creek Tributary 13.	None	+721	
Eighteen Mile Creek Tributary 18.	At the confluence with Eighteen Mile Creek	None	+687	Unincorporated Areas of Anderson County.
	Approximately 2,480 feet upstream of West Queen Street.	None	+727	
Eighteen Mile Creek Tributary A.	At the confluence with Eighteen Mile Creek	None	+688	Town of Pendleton, Unincorporated Areas of Anderson County.
	Approximately 4,160 feet upstream of the confluence with Eighteen Mile Creek.	None	+730	
Eighteen Mile Creek Tributary A Tributary 1.	At the confluence with Eighteen Mile Creek Tributary A.	None	+701	Town of Pendleton.
	Approximately 1.0 mile upstream of the confluence with Eighteen Mile Creek Tributary A.	None	+768	
Eighteen Mile Creek Tributary B.	At the confluence with Eighteen Mile Creek	None	+695	Town of Pendleton, Unincorporated Areas of Anderson County.
	Approximately 850 feet upstream of Hamberg Street.	None	+738	
Eighteen Mile Creek Tributary B Tributary 2.	At the confluence with Eighteen Mile Creek Tributary B.	None	+738	Town of Pendleton.
	Approximately 1,000 feet upstream of Crenshaw Street.	None	+796	
First Creek	At the confluence with the Rocky River	None	+549	Unincorporated Areas of Anderson County.
	Approximately 400 feet upstream of First Creek Road.	None	+597	
First Creek Tributary 1	At the confluence with First Creek	None	+549	Unincorporated Areas of Anderson County.
	Approximately 1,930 feet upstream of the confluence with First Creek.	None	+557	
Five Mile Creek	At the confluence with Big Generostee Creek	None	+648	Unincorporated Areas of Anderson County.
	Approximately 2,480 feet upstream of New Prospect Church Road.	None	+725	
Five Mile Creek Tributary 1	At the confluence with Five Mile Creek	None	+657	Unincorporated Areas of Anderson County.
	Approximately 1.2 mile upstream of Jones Drive	None	+744	
Five Mile Creek Tributary 5	At the confluence with Five Mile Creek	None	+688	Unincorporated Areas of Anderson County.
	Approximately 2,070 feet upstream of Country Meadow Road.	None	+712	
Five Mile Creek Tributary 9	At the confluence with Five Mile Creek	None	+718	Unincorporated Areas of Anderson County.
	Approximately 1,130 feet upstream of the confluence with Five Mile Creek.	None	+741	
Governors Creek	At the confluence with Rocky Creek	None	+554	Unincorporated Areas of Anderson County.
	Approximately 2,700 feet upstream of Gillespie Road.	None	+624	
Governors Creek Tributary 4.	At the confluence with Governors Creek	None	+583	Unincorporated Areas of Anderson County.
	Approximately 4,550 feet upstream of the confluence with Governors Creek.	None	+639	
Hartwell Reservoir Tributary.	At the confluence with Town Creek A	None	+663	City of Anderson, Unincorporated Areas of Anderson County.
	Approximately 1,100 feet downstream of Valley Drive.	None	+690	
Hembree Creek	At the confluence with Six and Twenty Creek	None	+666	City of Anderson, Unincorporated Areas of Anderson County.

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		Effective	Modified	
	Approximately 3,820 feet upstream of Salem Church Road.	None	+724	
Hencoop Creek	At the confluence with the Rocky River	None	+558	Unincorporated Areas of Anderson County.
	Approximately 500 feet upstream of Due West Highway.	None	+615	
Hornbuckle Creek	At the confluence with Big Brushy Creek	None	+806	Unincorporated Areas of Anderson County.
	Approximately 160 feet upstream of Sitton Hill Road.	None	+829	
Hurricane Creek A	At the confluence with Six and Twenty Creek	None	+666	Unincorporated Areas of Anderson County.
	Approximately 3,960 feet upstream of I–85	None	+706	
Hurricane Creek B	At the confluence with the Saluda River	None	+739	Unincorporated Areas of Anderson County.
	Approximately 2,590 feet upstream of State Highway 17.	None	+849	
Hurricane Creek B Tributary 11.	At the confluence with Hurricane Creek B	None	+817	Unincorporated Areas of Anderson County.
	Approximately 3,350 feet upstream of the confluence with Hurricane Creek B.	None	+829	
Hurricane Creek B Tributary 7.	At the confluence with Hurricane Creek B	None	+763	Unincorporated Areas of Anderson County.
	Approximately 3,330 feet upstream of the confluence with Hurricane B.	None	+784	
Hurricane Creek B Tributary 8.	At the confluence with Hurricane Creek B	None	+765	Unincorporated Areas of Anderson County.
	Approximately 1,660 feet upstream of the confluence with Hurricane Creek B.	None	+772	
Indian Branch	At the confluence with Little Generostee Creek	None	+551	Unincorporated Areas of Anderson County.
	Approximately 1,400 feet upstream of Pollard Road.	None	+616	
Indian Branch Tributary 3	At the confluence with Indian Branch	None	+573	Unincorporated Areas of Anderson County.
	Approximately 3,440 feet upstream of the confluence with Indian Branch.	None	+600	
Jones Creek	At the confluence with Six and Twenty Creek	None	+675	Unincorporated Areas of Anderson County.
	Approximately 100 feet downstream of Scotts Bridge Road.	None	+692	
Jones Creek Tributary 1	At the confluence with Jones Creek	None	+683	Unincorporated Areas of Anderson County.
	Approximately 1,850 feet upstream of I–85	None	+714	
Jordan Creek	At the confluence with Wilson Creek	None	+561	Unincorporated Areas of Anderson County.
	Approximately 1,000 feet upstream of Hebron Church Road.	None	+639	
Jordan Creek Tributary 1	At the confluence with Jordan Creek	None	+569	Unincorporated Areas of Anderson County.
	Approximately 1,500 feet upstream of Aubrey Hardy Road.	None	+583	
Little Beaverdam Creek	Approximately 600 feet upstream of Hattons Ford Road.	None	+662	Unincorporated Areas of Anderson County.
	At the Oconee County boundary	None	+691	
Little Beaverdam Creek A	At the confluence with the Rocky River	None	+697	Unincorporated Areas of Anderson County.
	Approximately 4,850 feet upstream of Welcome Road.	None	+786	
Little Beaverdam Creek Tributary 2.	At the confluence with Little Beaverdam Creek	None	+677	Unincorporated Areas of Anderson County.
	Approximately 3,510 feet upstream of the confluence with Little Beaverdam Creek.	None	+692	
Little Beaverdam Creek Tributary 4.	At the confluence with Little Beaverdam Creek	None	+669	Unincorporated Areas of Anderson County.

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	Approximately 2,200 feet upstream of Gaines Road.	None	+697	
Little Beaverdam Creek Tributary 5.	At the confluence with Little Beaverdam Creek ...	None	+668	Unincorporated Areas of Anderson County.
	Approximately 4,470 feet upstream of Fred Dobbins Road.	None	+705	
Little Beaverdam Creek Tributary 6.	At the confluence with Little Beaverdam Creek ...	None	+668	Unincorporated Areas of Anderson County.
	Approximately 2,750 feet upstream of Bradberry Road.	None	+710	
Little Beaverdam Creek Tributary 7.	At the confluence with Little Beaverdam Creek ...	None	+664	Unincorporated Areas of Anderson County.
	Approximately 2,870 feet upstream of the confluence with Little Beaverdam Creek.	None	+688	
Little Beaverdam Creek Tributary 8.	At the confluence with Little Beaverdam Creek ...	None	+663	Unincorporated Areas of Anderson County.
	Approximately 1,950 feet upstream of Slaton Road.	None	+671	
Little Brushy Creek	At the confluence with Big Brushy Creek	None	+793	Unincorporated Areas of Anderson County.
	Approximately 1,270 feet upstream of Mountain Springs Road.	None	+846	
Little Garvin Creek	At the confluence with Big Garvin Creek	None	+731	Unincorporated Areas of Anderson County.
	Approximately 2,750 feet upstream of Bishops Branch Road.	None	+764	
Little Generostee Creek	At the Elbert County, Georgia, boundary	None	+480	Town of Starr, Unincorporated Areas of Anderson County.
	Approximately 3,400 feet upstream of Erwin Street.	None	+732	
Little Generostee Creek Tributary 6.	At the confluence with Little Generostee Creek ..	None	+648	Unincorporated Areas of Anderson County.
	Approximately 2,600 feet upstream of the confluence with Little Generostee Creek Tributary 6.2.	None	+732	
Little Generostee Creek Tributary 6.2.	At the confluence with Little Generostee Creek Tributary 6.	None	+707	Unincorporated Areas of Anderson County.
	Approximately 1,600 feet upstream of the confluence with Little Generostee Creek Tributary 6.	None	+707	
Little Generostee Creek Tributary 8.	At the confluence with Little Generostee Creek ..	None	+623	Unincorporated Areas of Anderson County.
	Approximately 2,430 feet upstream of the confluence with Little Generostee Creek.	None	+655	
Little Generostee Creek Tributary 9.	At the confluence with Little Generostee Creek ..	None	+565	Unincorporated Areas of Anderson County.
	Approximately 3,950 feet upstream of the confluence with Little Generostee Creek.	None	+587	
Long Branch A	At the Abbeville County boundary	None	+591	Unincorporated Areas of Anderson County.
	Approximately 2,400 feet upstream of Liberty Road.	None	+618	
Middle Branch Brushy Creek.	At the confluence with Big Brushy Creek	None	+863	Unincorporated Areas of Anderson County.
	At the Pickens County boundary	None	+875	
Milwee Creek	At the confluence with Three and Twenty Creek	None	+696	Unincorporated Areas of Anderson County.
	Approximately 1.0 mile upstream of Gentry Road	None	+868	
Mountain Creek	Approximately 30 feet upstream of the confluence with Big Generostee Creek.	None	+554	Unincorporated Areas of Anderson County.
	Approximately 1.6 mile upstream of Mountain Church Creek Road.	None	+724	
Mountain Creek Tributary 11.	At the confluence with Mountain Creek	None	+594	Unincorporated Areas of Anderson County.
	Approximately 1.2 mile upstream of the confluence with Mountain Creek.	None	+675	

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Mountain Creek Tributary 5	At the confluence with Mountain Creek	None	+572	Unincorporated Areas of Anderson County.
	Approximately 4,500 feet upstream of Carl Baker Road.	None	+617	
Mountain Creek Tributary 6	At the confluence with Mountain Creek	None	+579	Unincorporated Areas of Anderson County.
	Approximately 3,680 feet upstream of the confluence with Mountain Creek.	None	+598	
Mountain Creek Tributary 7	At the confluence with Mountain Creek	None	+580	Unincorporated Areas of Anderson County.
	Approximately 2,350 feet upstream of the confluence with Mountain Creek.	None	+601	
Mountain Creek Tributary 9	At the confluence with Mountain Creek	None	+586	Unincorporated Areas of Anderson County.
	Approximately 150 feet upstream of Chris De Lane.	None	+652	
Mountain Creek Tributary 9.3.	At the confluence with Mountain Creek Tributary 9.	None	+602	Unincorporated Areas of Anderson County.
	Approximately 2,890 feet upstream of Martin Road.	None	+624	
Mountain Creek Tributary 9.5.	At the confluence with Mountain Creek Tributary 9.	None	+618	Unincorporated Areas of Anderson County.
	Approximately 1.8 mile upstream of the confluence with Mountain Creek Tributary 9.	None	+743	
Mountain Creek Tributary 9.8.	At the confluence with Mountain Creek Tributary 9.	None	+636	Unincorporated Areas of Anderson County.
	Approximately 2,510 feet upstream of the confluence with Mountain Creek Tributary 9.	None	+653	
Neals Creek	At the confluence with Broadway Creek	None	+623	Unincorporated Areas of Anderson County.
	Approximately 900 feet upstream of State Highway 252.	None	+731	
Nesbit Creek	Approximately 290 feet upstream of the confluence with Beaver Creek.	None	+619	Unincorporated Areas of Anderson County.
	Approximately 1,840 feet upstream of the confluence with Beaver Creek.	None	+624	
Pea Creek	At the confluence with Broadway Creek	None	+635	Unincorporated Areas of Anderson County.
	Approximately 1,360 feet upstream of Sherwood Drive.	None	+801	
Pickens Creek	At the confluence with Three and Twenty Creek	None	+786	Unincorporated Areas of Anderson County.
	Approximately 1,370 feet upstream of Hunt Road	None	+874	
Pickens Creek Tributary 6	At the confluence with Pickens Creek	None	+828	Unincorporated Areas of Anderson County.
	Approximately 530 feet upstream of Lake Road	None	+860	
Richland Creek	At the confluence with Big Generostee Creek	None	+633	Unincorporated Areas of Anderson County.
	Approximately 1.4 mile upstream of U.S. Route 29.	None	+740	
Richland Creek Tributary 3	At the confluence with Richland Creek	None	+652	Unincorporated Areas of Anderson County.
	Just downstream of Richland Drive	None	+652	
Richland Creek Tributary 4	At the confluence with Richland Creek	None	+670	Unincorporated Areas of Anderson County.
	Approximately 190 feet upstream of Richland Drive.	None	+670	
Rocky Branch	At the confluence with Big Generostee Creek	None	+638	Unincorporated Areas of Anderson County.
	Approximately 1,630 feet upstream of Strawberry Road.	None	+729	
Rocky River	At the Abbeville County boundary	None	+548	City of Anderson, Unincorporated Areas of Anderson County.
	Approximately 2,180 feet upstream of the confluence with Little Beaverdam Creek A.	None	+707	

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Rocky River Tributary 1	At the confluence with the Rocky River	None	+548	Unincorporated Areas of Anderson County.
	Approximately 1.3 mile upstream of the confluence with the Rocky River.	None	+578	
Rocky River Tributary 18 ..	At the confluence with the Rocky River	None	+578	Unincorporated Areas of Anderson County.
	Approximately 2,600 feet upstream of Due West Highway.	None	+600	
Rocky River Tributary 20 ..	At the confluence with the Rocky River	None	+591	Unincorporated Areas of Anderson County.
	Approximately 2,000 feet upstream of Scott Road.	None	+598	
Rocky River Tributary 27 ..	Approximately 400 feet upstream of the confluence with the Rocky River.	None	+651	Unincorporated Areas of Anderson County.
	Approximately 2,300 feet upstream of the confluence with Rocky River Tributary 27.3.	None	+776	
Rocky River Tributary 27.3	At the confluence with Rocky River Tributary 27	None	+751	Unincorporated Areas of Anderson County.
	Approximately 1,410 feet upstream of George Albert Lake Road.	None	+781	
Rocky River Tributary 28 ..	Approximately 150 feet downstream of Lawrence Road.	None	+652	Unincorporated Areas of Anderson County.
	Approximately 1,000 feet upstream of Lawrence Road.	None	+665	
Salem Creek	Approximately 1,300 feet upstream of the confluence with Six and Twenty Creek.	None	+660	Unincorporated Areas of Anderson County.
	Approximately 7,900 feet upstream of Centerville Road.	None	+671	
Salem Creek Tributary 4 ...	Approximately 600 feet upstream of the confluence with Salem Creek.	None	+690	Unincorporated Areas of Anderson County.
	Approximately 590 feet upstream of Quail Ridge Road.	None	+695	
Saluda River	At the Abbeville/Greenville county boundary	None	+568	Town of Pelzer, Unincorporated Areas of Anderson County.
	Approximately 1,500 feet downstream of the confluence with Saluda River Tributary 41.	None	+750	
Saluda River Tributary 1 ...	Approximately 250 feet upstream of the confluence with the Saluda River.	None	+804	Unincorporated Areas of Anderson County.
	Approximately 1.29 mile upstream of Sterling Bridge Road.	None	+898	
Saluda River Tributary 41	Approximately 100 feet upstream of the confluence with the Saluda River.	None	+757	Unincorporated Areas of Anderson County.
	Approximately 500 feet upstream of Iler Street ...	None	+757	
Saluda River Tributary 42	At the confluence with the Saluda River	None	+747	Unincorporated Areas of Anderson County.
	Approximately 100 feet upstream of Osteen Hill Road.	None	+761	
Saluda River Tributary 51	At the confluence with the Saluda River	None	+732	Unincorporated Areas of Anderson County.
	Approximately 1,800 feet upstream of Holiday Street.	None	+784	
Saluda River Tributary 52	At the confluence with the Saluda River	None	+732	Unincorporated Areas of Anderson County.
	Approximately 1,160 feet upstream of Old River Road.	None	+736	
Saluda River Tributary 62	At the confluence with the Saluda River	None	+702	Unincorporated Areas of Anderson County.
	Approximately 2,600 feet upstream of the confluence with the Saluda River.	None	+730	
Saluda River Tributary 103.1.	At the confluence with the Saluda River	None	+639	Unincorporated Areas of Anderson County.
	Approximately 3,600 feet upstream of the confluence with the Saluda River.	None	+661	
Savannah River	At the Abbeville County boundary	None	+480	Unincorporated Areas of Anderson County.
	Just downstream of the Hartwell Dam	None	+480	

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Savannah River Tributary 23.	At the Hart County, Georgia, boundary	None	+480	Unincorporated Areas of Anderson County.
	Approximately 5,000 feet upstream of the Hart County, Georgia, boundary.	None	+490	
Shanklin Creek Tributary A	Approximately 650 feet upstream of the confluence with Shanklin Creek.	None	+768	Town of Pendleton.
	Approximately 260 feet upstream of East Queen Street.	None	+792	
Silver Brook	Approximately 500 feet upstream of the confluence with the Rocky River.	None	+664	City of Anderson, Unincorporated Areas of Anderson County.
	Approximately 350 feet upstream of White Street	None	+742	
Silver Brook Tributary 2	At the confluence with Silver Brook	None	+703	City of Anderson, Unincorporated Areas of Anderson County.
	Approximately 140 feet upstream of Hall Street ..	None	+774	
Six and Twenty Creek	Approximately 4,670 feet downstream of the confluence with Hurricane Creek A.	None	+665	Unincorporated Areas of Anderson County.
	Approximately 250 feet upstream of the confluence with Six and Twenty Creek Tributary 16.	None	+668	
Six and Twenty Creek Tributary 10.	At the confluence with Six and Twenty Creek	None	+667	Unincorporated Areas of Anderson County.
	Approximately 3,610 feet upstream of Manse Jolly Road.	None	+676	
Six and Twenty Creek Tributary 11.	At the confluence with Six and Twenty Creek	None	+667	Unincorporated Areas of Anderson County.
	Approximately 2,050 feet upstream of the confluence with Six and Twenty Creek.	None	+676	
Six and Twenty Creek Tributary 12.	At the confluence with Six and Twenty Creek	None	+667	Unincorporated Areas of Anderson County.
	Approximately 230 feet upstream of Harris Bridge Road.	None	+696	
Six and Twenty Creek Tributary 15.	At the confluence with Six and Twenty Creek	None	+668	Unincorporated Areas of Anderson County.
	Approximately 3,770 feet upstream of the confluence with Six and Twenty Creek.	None	+684	
Six and Twenty Creek Tributary 16.	At the confluence with Six and Twenty Creek	None	+668	Unincorporated Areas of Anderson County.
	Approximately 4,390 feet upstream of Slater Road.	None	+701	
Six and Twenty Creek Tributary 19.	Approximately 30 feet upstream of the confluence with Six and Twenty Creek.	None	+679	Unincorporated Areas of Anderson County.
	Approximately 1,800 feet upstream of Dalrymple Road.	None	+698	
Three and Twenty Creek ..	Approximately 160 feet upstream of the confluence with Six and Twenty Creek.	None	+661	Unincorporated Areas of Anderson County.
	At the Pickens County boundary	None	+821	
Three and Twenty Creek Tributary 1.	At the confluence with Three and Twenty Creek	None	+661	Unincorporated Areas of Anderson County.
	Approximately 4,490 feet upstream of the confluence with Three and Twenty Creek.	None	+686	
Three and Twenty Creek Tributary 3.	At the confluence with Three and Twenty Creek	None	+663	Unincorporated Areas of Anderson County.
	Approximately 1,040 feet upstream of Rock Creek Road.	None	+688	
Three and Twenty Creek Tributary 5.	At the confluence with Three and Twenty Creek	None	+665	Unincorporated Areas of Anderson County.
	Approximately 1,480 feet upstream of Hix Road	None	+706	
Three and Twenty Creek Tributary 5.1.	At the confluence with Three and Twenty Creek Tributary 5.	None	+665	Unincorporated Areas of Anderson County.
	Approximately 2,410 feet upstream of the confluence with Three and Twenty Creek Tributary 5.	None	+677	
Three and Twenty Creek Tributary 6.	At the confluence with Three and Twenty Creek	None	+665	Unincorporated Areas of Anderson County.
	Approximately 2,550 feet upstream of the confluence with Three and Twenty Creek.	None	+675	

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		Effective	Modified	
Three and Twenty Creek Tributary 7.	At the confluence with Three and Twenty Creek	None	+666	Unincorporated Areas of Anderson County.
	Approximately 4,880 feet upstream of Sandy Springs Road.	None	+685	
Three and Twenty Creek Tributary 8.	At the confluence with Three and Twenty Creek	None	+668	Unincorporated Areas of Anderson County.
	Approximately 3,900 feet upstream of the confluence with Three and Twenty Creek.	None	+696	
Three and Twenty Creek Tributary 14.	At the confluence with Three and Twenty Creek	None	+686	Unincorporated Areas of Anderson County.
	Approximately 400 feet upstream of Lafrance Road.	None	+714	
Three and Twenty Creek Tributary 15.	At the confluence with Three and Twenty Creek	None	+692	Unincorporated Areas of Anderson County.
	Approximately 1,950 feet upstream of Lafrance Road.	None	+730	
Three and Twenty Creek Tributary 29.	At the confluence with Three and Twenty Creek	None	+744	Unincorporated Areas of Anderson County.
	Approximately 2,000 feet upstream of Olden Porter Road.	None	+762	
Three and Twenty Creek Tributary 34.	At the confluence with Three and Twenty Creek	None	+747	Unincorporated Areas of Anderson County.
	Approximately 90 feet upstream of Six and Twenty Road.	None	+789	
Three and Twenty Creek Tributary 43.	At the confluence with Three and Twenty Creek	None	+778	Unincorporated Areas of Anderson County.
	Approximately 1.0 mile upstream of Slab Bridge Road.	None	+808	
Threemile Creek	At the confluence with Big Generostee Creek	None	+653	Unincorporated Areas of Anderson County.
	Approximately 390 feet upstream of Michelin Boulevard.	None	+726	
Toney Creek	At the confluence with the Saluda River	None	+645	Unincorporated Areas of Anderson County.
	Approximately 3,700 feet upstream of Cannon Bottom Road.	None	+663	
Toney Creek Tributary 1 ...	At the confluence with Toney Creek	None	+645	Unincorporated Areas of Anderson County.
	Approximately 2,600 feet upstream of Rector Road.	None	+676	
Town Creek A	At the confluence with Six and Twenty Creek	None	+667	Unincorporated Areas of Anderson County.
	Approximately 140 feet upstream of Foxcroft Way.	None	+685	
Town Creek B	At the confluence with Three and Twenty Creek	None	+715	Town of Pendleton, Unincorporated Areas of Anderson County.
	Approximately 3,170 feet upstream of Cherry Street.	None	+778	
Town Creek Tributary	At the confluence with Town Creek B	None	+734	Town of Pendleton, Unincorporated Areas of Anderson County.
	Approximately 4,440 feet upstream of Westinghouse Road.	None	+783	
Tributary of Eighteen Mile Creek.	At the confluence with Eighteen Mile Creek	None	+705	Town of Pendleton, Unincorporated Areas of Anderson County.
	Approximately 3,120 feet upstream of the confluence with Eighteen Mile Creek.	None	+729	
Tributary A of Broad Mouth Creek.	At the confluence with Broad Mouth Creek	None	+703	City of Belton, Unincorporated Areas of Anderson County.
	Approximately 4,600 feet upstream of Blake Dairy Road.	None	+770	
Tributary A of Broad Mouth Creek Tributary 10.	At the confluence with Tributary A of Broad Mouth Creek.	None	+769	City of Belton, Unincorporated Areas of Anderson County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 1,000 feet upstream of the confluence with Tributary A of Broad Mouth Creek.	None	+776	
Tributary C of Broad Mouth Creek.	At the confluence with Broad Mouth Creek	None	+637	Town of Honea Path, Unincorporated Areas of Anderson County.
	Approximately 600 feet upstream of Carolina Avenue.	None	+757	
Tributary C of Broad Mouth Creek Tributary 3.	At the confluence with Tributary C of Broad Mouth Creek.	None	+706	Town of Honea Path.
	Approximately 800 feet upstream of Carter Street.	None	+753	
Tributary C of Broad Mouth Creek Tributary 4.	At the confluence with Tributary C of Broad Mouth Creek.	None	+715	Town of Honea Path.
	Approximately 1,350 feet upstream of Maryland Avenue.	None	+740	
Tugaloo Creek	At the confluence with Beaver Creek	None	+591	Unincorporated Areas of Anderson County.
	Approximately 3,100 feet upstream of Airline Road.	None	+637	
Unnamed Tributary Beaverdam Creek B Tributary 3.	Approximately 200 feet upstream of the confluence with Beaverdam Creek B Tributary 3.	None	+662	Unincorporated Areas of Anderson County.
	Approximately 2,400 feet upstream of the confluence with Beaverdam Creek B.	None	+700	
Unnamed Tributary	Approximately 50 feet upstream of the confluence with Big Generostee Creek.	None	+528	Unincorporated Areas of Anderson County.
	Approximately 1,780 feet upstream of the confluence with Big Generostee Creek.	None	+541	
Unnamed Tributary 1	At the Pickens County boundary	None	+727	Unincorporated Areas of Anderson County.
	Approximately 2,380 feet upstream of the Pickens County boundary.	None	+749	
Unnamed Tributary of Little Beaverdam Creek Tributary 5.	At the confluence with Little Beaverdam Creek Tributary 5.	None	+678	Unincorporated Areas of Anderson County.
	Approximately 4,000 feet upstream of the confluence with Little Beaverdam Creek Tributary 5.	None	+712	
Unnamed Tributary of Middle Branch.	At the confluence with Middle Branch Brushy Creek.	None	+872	Unincorporated Areas of Anderson County.
	Approximately 2,240 feet upstream of the confluence with Middle Branch Brushy Creek.	None	+904	
Weems Creek	Approximately 50 feet upstream of the confluence with Big Generostee Creek.	None	+508	Unincorporated Areas of Anderson County.
	Approximately 2,000 feet upstream of Lenox Drive.	None	+727	
Weems Creek Tributary 12	At the confluence with Weems Creek	None	+563	Unincorporated Areas of Anderson County.
	Approximately 3,040 feet upstream of the confluence with Weems Creek.	None	+582	
Weems Creek Tributary 17	At the confluence with Weems Creek	None	+527	Unincorporated Areas of Anderson County.
	Approximately 2,270 feet upstream of the confluence with Weems Creek.	None	+541	
West Beards Creek	At the Abbeville County boundary	None	+506	Unincorporated Areas of Anderson County.
	Approximately 1,400 feet upstream of Pine Ridge Road.	None	+667	
West Prong Broad Mouth Creek.	At the confluence with Broad Mouth Creek	None	+742	Unincorporated Areas of Anderson County.
	Approximately 40 feet upstream of State Highway 247.	None	+760	
Whitner Creek	Approximately 70 feet upstream of Lee Street	None	+746	City of Anderson
	Approximately 100 feet upstream of Blair Street	None	+766	
Wilson Creek	At the Abbeville County boundary	None	+519	Unincorporated Areas of Anderson County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 230 feet upstream of Wesley Court.	None	+775	
Wilson Creek Tributary 17	At the confluence with Wilson Creek	None	+595	Unincorporated Areas of Anderson County.
	Approximately 3,600 feet upstream of the confluence with Wilson Creek.	None	+614	
Wilson Creek Tributary 21	At the confluence with Wilson Creek	None	+628	Unincorporated Areas of Anderson County.
	Approximately 1,650 feet upstream of 1st Avenue.	None	+642	
Wilson Creek Tributary 22	At the confluence with Wilson Creek	None	+637	Unincorporated Areas of Anderson County.
	Approximately 640 feet upstream of 1st Avenue	None	+664	
Wilson Creek Tributary 24	At the confluence with Wilson Creek	None	+650	Unincorporated Areas of Anderson County.
	Approximately 1,750 feet upstream of the confluence of Wilson Creek Tributary 24.5.	None	+718	
Wilson Creek Tributary 31	At the confluence with Wilson Creek	None	+689	Unincorporated Areas of Anderson County.
	Approximately 1,800 feet upstream of Farmer Road.	None	+727	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Anderson
Maps are available for inspection at 401 South Main Street, Anderson, SC 29624.

City of Belton
Maps are available for inspection at 306 Anderson Street, Belton, SC 29627.

Town of Honea Path
Maps are available for inspection at 30 North Main Street, Honea Path, SC 29654.

Town of Pelzer
Maps are available for inspection at 103 Courtney Street, Pelzer, SC 29669.

Town of Pendleton
Maps are available for inspection at 301 Greenville Street, Pendleton, SC 29670.

Town of Starr
Maps are available for inspection at 7725 State Highway 81, Starr, SC 29684.

Town of Williamston
Maps are available for inspection at 12 West Main Street, Williamston, SC 29697.

Unincorporated Areas of Anderson County
Maps are available for inspection at 101 South Main Street, Anderson, SC 29622.

Taylor County, West Virginia, and Incorporated Areas

Booths Creek	Just downstream of the county boundary	None	+959	Unincorporated Areas of Taylor County.
	At the confluence with Corbin Branch and Thomas Fork.	None	+1,000	
Corbin Branch	At the confluence with Booths Creek	None	+1,000	Unincorporated Areas of Taylor County.
	Approximately 300 feet downstream of Nuzum Road.	None	+1,082	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

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ADDRESSES

Unincorporated Areas of Taylor County

Maps are available for inspection at the Taylor County Courthouse, 214 West Main Street, Grafton, WV 26354.

Lincoln County, Wisconsin, and Incorporated Areas

Copper River	Approximately 0.8 mile upstream of the confluence with the Wisconsin River.	None	+1,279	Unincorporated Areas of Lincoln County.
	County Highway E	None	+1,316	
Prairie River	Approximately 0.3 mile downstream of Town Hall Road.	None	+1,436	Unincorporated Areas of Lincoln County.
	At State Highway 17	None	+1,476	
Wisconsin River	Approximately 0.4 mile upstream of the confluence with the Pine River.	+1,229	+1,228	City of Merrill, Unincorporated Areas of Lincoln County.
	Approximately 990 feet downstream of South Center Avenue.	+1,243	+1,244	
	Approximately 2.5 miles downstream of the Grandfather Dam.	+1,294	+1,293	
	At the downstream side of the Grandfather Dam	+1,308	+1,368	
	Approximately 0.7 mile upstream of County Highway E.	+1,402	+1,401	
	At the downstream side of the Grandmother Dam.	+1,410	+1,406	
	Approximately 0.9 mile upstream of the confluence with Little Pine Creek.	+1,423	+1,422	
	Approximately 0.4 mile downstream of the Tomahawk Dam.	+1,428	+1,429	

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ADDRESSES

City of Merrill

Maps are available for inspection at 1004 East 1st Street, Merrill, WI 54452.

Unincorporated Areas of Lincoln County

Maps are available for inspection at 804 North Sales Street, Merrill, WI 54452.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 11, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12491 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1101]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1101, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)	
				Existing	Modified
Town of Lincoln, New Hampshire					
New Hampshire	Town of Lincoln	East Branch Pemigewasset River.	Approximately 1,800 feet downstream of the Richard Cooper Memorial Bridge.	None	*781

State	City/town/county	Source of flooding	Location **	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)	
				Existing	Modified
			Approximately 375 feet south of the intersection of Lodge Road and Main Street/State Highway 112.	None	* 831

National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Town of Lincoln
Maps are available for inspection at the Town Hall, 148 Main Street, Lincoln, NH 03251.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Coles County, Illinois, and Incorporated Areas				
Cassell Creek	Approximately 1,650 feet upstream of the confluence with Town Branch Creek.	None	+613	City of Charleston.
	Approximately at the upstream side of the railroad (removed).	None	+619	
Town Branch Creek	Approximately 0.19 mile downstream of the railroad	None	+616	City of Charleston.
	Approximately 0.08 mile downstream of the railroad	None	+617	

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+ North American Vertical Datum.
# Depth in feet above ground.
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ADDRESSES

City of Charleston
Maps are available for inspection at City Hall, 520 Jackson Avenue, Charleston, IL 61920.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Moultrie County, Illinois, and Incorporated Areas				
Dalton City Drain	At the confluence with Marrowbone Creek	None	+672	Unincorporated Areas of Moultrie County.
	At State Route 128	None	+687	
Lowe No. 2	Approximately 1,100 feet downstream of Vine Street	None	+656	Unincorporated Areas of Moultrie County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 540 feet upstream of Progress Street ..	None	+662	

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+ North American Vertical Datum.
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ADDRESSES

Unincorporated Areas of Moultrie County

Maps are available for inspection at the County Courthouse, Planning and Zoning Department, 10 South Main Street, Suite 1, Sullivan, IL 61951.

Madison County, Kentucky, and Incorporated Areas

Brushy Fork	At the confluence with Silver Creek	None	+922	City of Berea, Unincorporated Areas of Madison County.
	Approximately 305 feet upstream of Mt. Vernon Road	None	+976	
Calloway Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 3,680 feet upstream of the confluence with the Kentucky River.	None	+590	Unincorporated Areas of Madison County.
Clear Creek 1 (Backwater effects from Kentucky River).	From the confluence with Muddy Creek to approximately 635 feet upstream of Doylesville Road.	None	+600	Unincorporated Areas of Madison County.
Dreaming Creek Tributary	At the confluence with Dreaming Creek	None	+837	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 0.7 mile upstream of Old Wilderness Trail.	None	+917	
Drowning Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 845 feet upstream of the confluence with Drowning Creek Tributary 3.	None	+620	Unincorporated Areas of Madison County.
Drowning Creek Tributary 3 (Backwater effects from Kentucky River).	From the confluence with Drowning Creek to approximately 1,245 feet upstream of the confluence with Drowning Creek.	None	+620	Unincorporated Areas of Madison County.
East Fork Silver Creek (Backwater effects from Silver Creek).	From the confluence with Silver Creek to approximately 80 feet upstream of Gabbard Town Road.	None	+843	City of Berea, Unincorporated Areas of Madison County.
Falling Branch (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.5 mile upstream of the confluence with the Kentucky River.	None	+619	Unincorporated Areas of Madison County.
Flint Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.5 mile upstream of the confluence with the Kentucky River.	None	+615	Unincorporated Areas of Madison County.
Hines Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 2,284 feet upstream of the confluence with the Kentucky River.	None	+586	Unincorporated Areas of Madison County.
Jacks Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 2,120 feet upstream of the confluence with the Kentucky River.	None	+585	Unincorporated Areas of Madison County.
Kentucky River	At the confluence with Paint Lick Creek	+572	+573	Unincorporated Areas of Madison County.
	At the confluence with Drowning Creek	None	+620	
Kentucky River Tributary 3 (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.8 mile upstream of the confluence with the Kentucky River.	None	+618	Unincorporated Areas of Madison County.
Muddy Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.6 mile upstream of Doylesville Road.	None	+600	Unincorporated Areas of Madison County.
Old Town Branch (Backwater effects from Taylor Fork).	From the confluence with Taylor Fork to approximately 1,950 feet upstream of the confluence with Taylor Fork.	None	+829	Unincorporated Areas of Madison County.
Otter Creek	Approximately 0.7 mile downstream of Four Mile Road.	None	+800	City of Richmond, Unincorporated Areas of Madison County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Just upstream of Catalpa Loop	None	+843	
Otter Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 680 feet upstream of Boonesborough Road.	None	+594	Unincorporated Areas of Madison County.
Otter Creek Tributary 1	At the confluence with Otter Creek	None	+843	City of Richmond, Unincorporated Areas of Madison County.
	Just downstream of Big Hill Avenue	None	+890	
Otter Creek Tributary 2	At the confluence with Otter Creek	None	+814	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 755 feet upstream of Douglas Court	None	+895	
Paint Lick Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1,135 feet downstream of the confluence with Sledd Branch.	None	+573	Unincorporated Areas of Madison County.
Rocky Lick Branch (Backwater effects from Kentucky River).	From the confluence with Muddy Creek to approximately 430 feet downstream of Walker Parke Road.	None	+600	Unincorporated Areas of Madison County.
Silver Creek	Just downstream of Richmond Road North	None	+904	City of Berea, Unincorporated Areas of Madison County.
	Approximately 525 feet upstream of KY–21	None	+944	
Silver Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 813 feet upstream of the confluence with Jackson Branch.	None	+576	Unincorporated Areas of Madison County.
Stony Fork (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 858 feet upstream of Whitlock Road.	None	+577	Unincorporated Areas of Madison County.
Tate Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to just upstream of Tates Creek Road.	+582	+583	City of Richmond, Unincorporated Areas of Madison County.
Taylor Fork	Approximately 0.5 mile upstream of Curtis Pike	None	+829	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 0.7 mile upstream of the confluence with Taylor Fork Tributary 1.	None	+970	
Taylor Fork Tributary 1	At the confluence with Taylor Fork	None	+930	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 0.5 mile upstream of the confluence with Taylor Fork.	None	+978	
Taylor Fork Tributary 2	At the confluence with Taylor Fork	None	+884	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 100 feet downstream of Vickers Drive	None	+958	
Taylor Fork Tributary 2A	At the confluence with Taylor Fork Tributary 2	None	+897	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 1,775 feet upstream of the confluence with Taylor Fork Tributary 2.	None	+929	
Taylor Fork Tributary 3	At the confluence with Taylor Fork	None	+878	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 0.5 mile upstream of the confluence with Taylor Fork.	None	+931	
Taylor Fork Tributary 4	At the confluence with Taylor Fork	None	+874	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 0.4 mile upstream of the confluence with Taylor Fork.	None	+928	
Taylor Fork Tributary 5	At the confluence with Taylor Fork	None	+865	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 200 feet upstream of Alycia Drive	None	+916	
Taylor Fork Tributary 6	At the confluence with Taylor Fork	None	+834	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 850 feet upstream of Idylwild Court	None	+944	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Taylor Fork Tributary 7	At the confluence with Taylor Fork	None	+829	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 1,855 feet upstream of the confluence with Taylor Fork.	None	+843	
Terrill Branch (Backwater effects from Silver Creek).	From the confluence with Silver Creek to approximately 0.4 mile upstream of the confluence with Silver Creek.	None	+911	City of Berea, Unincorporated Areas of Madison County.
Upper Tate Creek	Approximately 310 feet downstream of Finney Fork Road.	None	+784	City of Richmond, Unincorporated Areas of Madison County.
	Approximately 945 feet upstream of Stocker Drive	None	+928	
Walnut Meadow Branch	Approximately 460 feet downstream of Guynn Road ..	None	+893	City of Berea, Unincorporated Areas of Madison County.
	Approximately 640 feet upstream of Ginger Drive	None	+935	

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+ North American Vertical Datum.
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ADDRESSES

City of Berea
Maps are available for inspection at 212 Chestnut Street, Berea, KY 40403.

City of Richmond
Maps are available for inspection at 239 West Main Street, Richmond, KY 40475.

Unincorporated Areas of Madison County
Maps are available for inspection at 101 West Main Street, Richmond, KY 40475.

Anne Arundel County, Maryland, and Incorporated Areas

Cabin Branch	Approximately 0.51 mile downstream of I–95	+115	+116	Unincorporated Areas of Anne Arundel County.
	Approximately 325 feet upstream of Andover Road	+115	+118	
Franklin Branch	At the confluence with Midway Branch	None	+117	Unincorporated Areas of Anne Arundel County.
	Approximately 780 feet upstream of Clark Road	None	+214	
Little Patuxent River	Approximately 600 feet upstream of the confluence with the Patuxent River.	+43	+46	Unincorporated Areas of Anne Arundel County.
	Approximately 270 feet downstream of Brock Bridge Road.	+130	+131	
Marley Creek	Approximately 900 feet downstream of Ritchie Highway.	+8	+9	Unincorporated Areas of Anne Arundel County.
	Approximately 0.20 mile upstream of Nolberry Drive ..	None	+51	
Midway Branch	At the confluence with the Little Patuxent River	+76	+77	Unincorporated Areas of Anne Arundel County.
	Approximately 0.59 mile upstream of Clark Road	None	+211	
Patapsco River	Approximately 0.77 mile downstream of the Harbor Tunnel Thruway.	+9	+12	Unincorporated Areas of Anne Arundel County.
	Approximately 0.57 mile upstream of Laurel Fort Meade Road.	+139	+140	
Patuxent River	Approximately 2.52 miles downstream of Queen Anne Bridge Road.	+20	+21	Unincorporated Areas of Anne Arundel County.
	Approximately 0.57 mile upstream of Laurel Fort Meade Road.	+139	+140	
Sawmill Creek	At the upstream side of Crain Highway	+11	+10	Unincorporated Areas of Anne Arundel County.
	Approximately 400 feet upstream of Washington Baltimore and Annapolis Road.	None	+105	
Severn Run	Approximately 0.23 mile downstream of Veterans Highway.	+6	+8	Unincorporated Areas of Anne Arundel County.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
	Approximately 0.57 mile upstream of Disney Road	None	+166	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Anne Arundel County

Maps are available for inspection at the County Courthouse, 2604 Riva Road, Annapolis, MD 21404.

Calvert County, Maryland, and Incorporated Areas

Hall Creek	At the confluence with the Patuxent River	+7	+9	Unincorporated Areas of Calvert County.
	Approximately 0.52 mile downstream of Southern Maryland Boulevard.	+9	+11	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Calvert County

Maps are available for inspection at the County Courthouse, 175 Main Street, Prince Frederick, MD 20678.

Benton County, Oregon, and Incorporated Areas

Willamette River	Approximately 400 feet upstream of Reiling Lane near the Long Tom River.	None	+282	City of Monroe.
	Approximately 0.43 mile upstream of Reiling Lane near the Long Tom River.	None	+282	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
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** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Monroe

Maps are available for inspection at 664 Commercial Street, Monroe, OR 97456.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 11, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12492 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–B–1122]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Comments are requested on the proposed Base (1% annual-chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the proposed regulatory flood elevations for the reach described by the downstream and upstream locations in the table below. The BFEs and modified BFEs are a part of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, these elevations, once finalized, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents in those buildings.

DATES: Comments are to be submitted on or before August 23, 2010.

ADDRESSES: The corresponding preliminary Flood Insurance Rate Map (FIRM) for the proposed BFEs for each community is available for inspection at the community's map repository. The respective addresses are listed in the table below.

You may submit comments, identified by Docket No. FEMA–B–1122, to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2820, or (e-mail) *kevin.long@dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

Comments on any aspect of the Flood Insurance Study and FIRM, other than the proposed BFEs, will be considered. A letter acknowledging receipt of any comments will not be sent.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Executive Order 12866, Regulatory Planning and Review. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866, as amended.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Fairbanks-North Star Borough, Alaska, and Incorporated Areas				
Groundwater seepage from Tanana River and Chena River.	An area north of the Tanana River levee and south of Mitchell Expressway from a point approximately 1,900 feet southwest of the intersection of Airport Dike Road and Airport Perimeter Road to the intersection of Airport Way and Mitchell Expressway.	+431	+432	Fairbanks-North Star Borough.
	An area just north of and adjacent to Mitchell Expressway from the intersection of Peger Road and Mitchell Expressway to the east to approximately 930 feet southeast of the intersection of Old Airport Road and Mitchell Expressway to the west.	None	+432–434	
	An area north of the Tanana River levee and south of Mitchell Expressway from the intersection of Old Richardson Highway and Richardson Highway to a point approximately 1,800 feet south of the intersection of Lake View Terrace Road and Frontier Avenue.	None	+446	
	An area bound by Peger Road to the west, Eagan Avenue to the north, Lathrop Street to the east, and Mitchell Expressway to the south.	None	+433–437	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Fairbanks-North Star Borough

Maps are available for inspection at the Borough Administrative Center, 809 Pioneer Road, Fairbanks, AK 99701.

Fayette County, Iowa, and Incorporated Areas				
Otter Creek (City of Elgin)	Approximately 1,550 feet upstream of the bridge at Cedar Road.	None	+804	Unincorporated Areas of Fayette County.
	Approximately 80 feet downstream of the bridge at Mill Street.	None	+831	
Otter Creek (City of Oelwein)	Approximately 460 feet upstream of West Charles Street	None	+1004	Unincorporated Areas of Fayette County.
	City of Oelwein/Fayette County (unincorporated areas) corporate limit approximately 1.4 mile upstream of Lake Oelwein Dam.	None	+1019	
Turkey River	Approximately 0.3 mile downstream of the Center Street Bridge.	None	+802	Unincorporated Areas of Fayette County.
	Approximately 1.6 mile upstream of the Center Street Bridge.	None	+809	

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+ North American Vertical Datum.
# Depth in feet above ground.
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** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Fayette County

Maps are available for inspection at the Fayette County Courthouse, 114 North Vine Street, West Union, IA 52175.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Henry County, Illinois, and Incorporated Areas				
Geneseo Creek	Approximately 0.13 mile downstream of Elk Street	None	+615	City of Geneseo, Unincorporated Areas of Henry County.
	Approximately 0.59 mile upstream of I–80	None	+642	
Rock River	Approximately 0.75 mile downstream of Hurd Road (in Whiteside County).	+583	+584	Unincorporated Areas of Henry County.
	Approximately 2.5 miles upstream of Hurd Road (in Whiteside County).	+583	+585	
Rock River	Approximately 1.04 mile upstream of I–80	+578	+577	Village of Cleveland.
	Approximately 1.63 mile upstream of I–80	+579	+578	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
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** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Geneseo
Maps are available for inspection at City Hall, 101 South State Street, Geneseo, IL 61254.

Unincorporated Areas of Henry County
Maps are available for inspection at the Henry County Courthouse, 307 West Center Street, Cambridge, IL 61238.

Village of Cleveland
Maps are available for inspection at the Village Hall, 408 Jackson Street, Cleveland, IL 61241.

Jessamine County, Kentucky, and Incorporated Areas				
East Hickman Creek Tributary 1 (Backwater effects from East Hickman Creek).	From the confluence with East Hickman Creek to approximately 580 feet upstream of the confluence with East Hickman Creek.	None	+872	Unincorporated Areas of Jessamine County.
Hickman Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1.9 mile upstream of the confluence with the Kentucky River.	None	+566	Unincorporated Areas of Jessamine County.
Jessamine Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.9 mile upstream of the confluence with Jessamine Creek Tributary 9.	None	+559	Unincorporated Areas of Jessamine County.
Jessamine Creek Tributary 9 (Backwater effects from Kentucky River).	From the confluence with Jessamine Creek to approximately 785 feet upstream of the confluence with Jessamine Creek.	None	+559	Unincorporated Areas of Jessamine County.
Kentucky River	Approximately 1,770 feet downstream of the confluence with Kentucky River Tributary 4.	+545	+548	Unincorporated Areas of Jessamine County.
	Approximately 2 miles upstream of the confluence with Marble Creek.	+581	+582	
Kentucky River Tributary 2 (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1,445 feet upstream of River Road (KY–1541).	None	+573	Unincorporated Areas of Jessamine County.
Kentucky River Tributary 4 (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.4 mile upstream of the confluence with the Kentucky River.	+545	+548	Unincorporated Areas of Jessamine County.
Kentucky River Tributary 33 (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1,900 feet upstream of the confluence with the Kentucky River.	None	+569	Unincorporated Areas of Jessamine County.
Kentucky River Tributary 83 (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 1,320 feet upstream of the confluence with the Kentucky River.	None	+576	Unincorporated Areas of Jessamine County.
Left Branch Tributary to Town Fork.	At the confluence with Tributary to Town Fork	None	+922	Unincorporated Areas of Jessamine County, City of Nicholasville.
	Approximately 385 feet upstream of the confluence with Tributary to Town Fork.	None	+923	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Little Hickman Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.7 mile upstream of the confluence with the Kentucky River.	None	+566	Unincorporated Areas of Jessamine County.
Marble Creek (Backwater effects from Kentucky River).	From the confluence with the Kentucky River to approximately 0.5 mile upstream of the confluence with the Kentucky River.	None	+580	Unincorporated Areas of Jessamine County.
Tributary to Town Fork	At the confluence with Town Fork	None	+914	City of Nicholasville, Unincorporated Areas of Jessamine County.
	Approximately 1,080 feet upstream of Miles Road	None	+927	
West Hickman Creek Tributary 1 (Backwater effects from West Hickman Creek).	From the confluence with West Hickman Creek to approximately 90 feet upstream of West Hickman Plant Road.	None	+884	Unincorporated Areas of Jessamine County.

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+ North American Vertical Datum.
# Depth in feet above ground.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Nicholasville
Maps are available for inspection at 517 North Main Street, Nicholasville, KY 40340.

Unincorporated Areas of Jessamine County
Maps are available for inspection at City Hall, 517 North Main Street, Nicholasville, KY 40356.

Ingham County, Michigan, and Incorporated Areas

Deer Creek	At CSX Railway	None	+864	City of Williamston, Township of Wheatfield.
	Approximately 0.4 mile upstream of Wallace Street	None	+864	
Moon and Hamilton County Drain.	At Detention Area F Control Structure	*860	+861	City of Lansing.
	At I–96/69	*868	+863	
Red Cedar River	Approximately 1.4 mile upstream of the upstream crossing at North Putnam Street.	None	+868	City of Williamston, Township of Leroy, Township of Locke, Township of Wheatfield, Township of Williamstown, Village of Webberville.
	At Grammer Road North	None	+875	
Remey Chandler Drain/ Sanderson Drain.	Approximately 0.7 mile downstream of West Lake Lansing Road.	None	+844	City of East Lansing, Charter Township of Meridian.
	At West Lake Lansing Road	None	+844	
Willow Creek	Approximately 1,250 feet upstream of U.S. Route 127	None	+893	Township of Vevay.
	Approximately 0.58 mile upstream of U.S. Route 127	None	+893	

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+ North American Vertical Datum.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Charter Township of Meridian
Maps are available for inspection at Meridian Township Hall, 5151 Marsh Road, Okemos, MI 48864.

City of East Lansing
Maps are available for inspection at City Hall, 410 Abbott Road, East Lansing, MI 48823.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

City of Lansing
Maps are available for inspection at City Hall, 124 West Michigan Avenue, Lansing, MI 48933.

City of Williamston
Maps are available for inspection at City Hall, 161 East Grand River Avenue, Williamston, MI 48895.

Township of Leroy
Maps are available for inspection at Leroy Township Hall, 315 West Walnut Street, Webberville, MI 48892.

Township of Locke
Maps are available for inspection at Locke Township Hall, 3805 Bell Oak Road, Williamston, MI 48895.

Township of Vevay
Maps are available for inspection at Vevay Township Hall, 780 South Eden Road, Mason, MI 48854.

Township of Wheatfield
Maps are available for inspection at Wheatfield Township Hall, 985 East Hold Road, Williamston, MI 48895.

Township of Williamstown
Maps are available for inspection at the Township Hall, 4990 North Zimmer Road, Williamston, MI 48895.

Village of Webberville
Maps are available for inspection at the Village Hall, 115 South Main Street, Webberville, MN 48892.

Attala County, Mississippi, and Incorporated Areas

Canal Creek	Approximately 700 feet downstream of Jefferson Street Approximately 500 feet downstream of Veterans Memorial Highway.	+403 +409	+404 +411	City of Kosciusko.

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Kosciusko
Maps are available for inspection at 222 East Washington Street, Kosciusko, MS 39090.

Wood County, Ohio, and Incorporated Areas

Crane Creek	Approximately 0.5 mile downstream of State Highway 51	None	+609	Unincorporated Areas of Wood County.
	At State Highway 51	None	+609	
Maumee River	At the Wood/Lucas county boundary	+577	+579	City of Rossford, Village of Grand Rapids.
	At the Wood/Henry county boundary	None	+649	
North Branch Portage River	Approximately 1,000 feet downstream of Highway 6	None	+668	City of Bowling Green, Unincorporated Areas of Wood County.
	Approximately 1,650 feet upstream of State Highway 25	None	+678	
Rocky Ford Creek Tributary	Approximately 130 feet downstream of North Baltimore Road.	None	+725	Village of North Baltimore.
	Approximately 400 feet upstream of North Baltimore Road.	None	+726	

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+ North American Vertical Datum.
# Depth in feet above ground.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

ADDRESSES

City of Bowling Green
Maps are available for inspection at City Hall, 304 North Church Street, Bowling Green, OH 43402.

City of Rossford
Maps are available for inspection at City Hall, 133 Osborn Street, Rossford, OH 43460.

Unincorporated Areas of Wood County
Maps are available for inspection at the Wood County Office Building, 1 Courthouse Square, Bowling Green, OH 43402.

Village of Grand Rapids
Maps are available for inspection at the Village Hall, 17460 Sycamore Road, Grand Rapids, OH 43522.

Village of North Baltimore
Maps are available for inspection at the Village Hall, 205 North Main Street, North Baltimore, OH 45872.

Dillon County, South Carolina, and Incorporated Areas

Bear Swamp Creek	Just upstream of West 5th Avenue	None	+81	Town of Lake View.
	Approximately 900 feet upstream of Cedar Street	None	+92	
Little Pee Dee River	Approximately 1,200 feet upstream of the confluence with Maple Swamp.	None	+85	Unincorporated Areas of Dillon County.
	Approximately 1,600 feet upstream of State Route 9	None	+87	
Maple Swamp	At the confluence with the Little Pee Dee River	None	+85	Town of Dillon, Unincorporated Areas of Dillon County.
	Approximately 200 feet upstream of the railroad	None	+104	
Maple Swamp Tributary 5	At the confluence with Maple Swamp	None	+106	Town of Dillon, Unincorporated Areas of Dillon County.
	Approximately 1,400 feet upstream of Longstreet Road	None	+113	
Reedy Creek Tributary 1	Approximately 3,000 feet downstream of Academy Street	None	+88	Town of Latta, Unincorporated Areas of Dillon County.
	Just upstream of the railroad	None	+103	
Reedy Creek Tributary 2	Approximately 2,000 feet downstream of West Academy Street.	None	+93	Town of Latta, Unincorporated Areas of Dillon County.
	Approximately 600 feet upstream of Manning View Road	None	+102	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
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Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

Unincorporated Areas of Dillon County
Maps are available for inspection at 109 South 3rd Street, Dillon, SC 29536.

Town of Dillon
Maps are available for inspection at 401 West Main Street, Dillon, SC 29536.

Town of Lake View
Maps are available for inspection at 205 North Main Street, Lake View, SC 29563.

Town of Latta
Maps are available for inspection at 107 Northwest Railroad Avenue, Latta, SC 29565.

Jones County, Texas, and Incorporated Areas

Lake Fort Phantom Hill	Just downstream of County Highway 1082	+1,641	+1,642	City of Abilene, Unincorporated Areas of Jones County.
	Approximately 300 feet downstream of County Road 341	None	+1,656	

* National Geodetic Vertical Datum.
+ North American Vertical Datum.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ∧ Elevation in meters (MSL)		Communities affected
		Effective	Modified	

Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (*see* below) for exact locations of all BFEs to be changed.

Send comments to Kevin C. Long, Acting Chief, Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Abilene

Maps are available for inspection at City Hall, 555 Walnut Street, Abilene, TX 79601.

Unincorporated Areas of Jones County

Maps are available for inspection at the Jones County Courthouse, 1100 12th Street, Anson, TX 79501.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: May 11, 2010.

Sandra K. Knight,

Deputy Federal Insurance and Mitigation Administrator, Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010–12493 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–12–P

Notices

Federal Register
Vol. 75, No. 100
Tuesday, May 25, 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

Agricultural Marketing Service

[Doc. No. AMS–FV–10–0026, FV–10–329]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces that the Agricultural Marketing Service (AMS) is requesting approval from the Office of Management and Budget for extension of the information collection: USDA Food Connect Web site.

DATES: Comments received by July 26, 2010 will be considered.

Additional Information or Comments: Contact Lynne E. Yedinak, Business Development and Quality Assurance Section, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247, 1400 Independence Avenue, SW., Washington, DC 20250–0247, telephone: (202) 720–9939 and Fax: (202) 690–1527; or Internet: *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Title: USDA Food Connect Web site.

OMB Number: 0581–0224.

Expiration Date of Approval: December 30, 2010.

Type of Request: Extension of a Currently Approved Information Collection.

Abstract: The information collection requirements in this request are necessary for the operation of the U.S. Department of Agriculture (USDA) Food Connect Web site, which operates pursuant to the authority of Section 32 of Public Law 320. The USDA Food Connect Web site supports the U.S. Department of Agriculture, Agricultural Marketing Service's mission of facilitating the efficient, fair marketing of U.S. agricultural products. Registering to participate on or use the USDA Food Connect Web site is voluntary.

The USDA Food Connect Web site provides a Web-based resource where food processors and distributors register their nutritious, value-added foods for institutional food service professionals to choose from, for the products they require through a neutral venue. Brokers can also list the food processors and regions they represent on the Web site along with food associations' information on their educational resources.

The National School Lunch Program is a Federally assisted meal program operating in over 100,000 public and non-profit private schools and residential childcare institutions. It provides nutritionally balanced, low-cost or free lunches to more than 30.5 million children each school day. In 1998, Congress expanded the National School Lunch Program to include reimbursement for snacks served to children in after-school educational and enrichment programs, to include children through 18 years of age. The USDA Food Connect Web site was developed to assist schools and other feeding programs, such as those serving Native American facilities, health care facilities, prisons, and needy families, to find the most nutritious, value-added foods purchased by the Federal Government.

Institutional food service professionals (public and private schools, the military, Veterans Administration facilities, Native American facilities, health care facilities, colleges and universities, prisons, child care facilities and facilities for needy families) who choose to register on the USDA Food Connect Web site provide the following information: The registrant's name, position, e-mail address, telephone number, school/organization name, and address. Processors who choose to register on the USDA Food Connect Web site provide the following information: Confirmation that the company is eligible to participate in Federal procurement, the registrant's name, position, e-mail address, telephone number, company name, address, country, and whether they are a national or regional processor. Distributors who choose to register on the USDA Food Connect Web site provide the following information: The registrant's name, position, e-mail address, telephone number, company name, address, country, and whether they are a national or regional distributor. Brokers who choose to register on the USDA Food Connect Web site provide the following information: The registrant's name, position, e-mail address, telephone number, brokerage company name, address, country, and the States they serve. Food related associations who choose to register on the USDA Food Connect Web site provide the following information: The association name, address, city, State, zip code, country, e-mail address, telephone number, and a description of association services. Information provided by institutional food service professionals assists processors, distributors, and brokers to view meal-serving information of a school or organization. Processor and distributor food product and contact information are available to the institutional food service professionals to assist them in locating processors and distributors that handle the food products that they want to use. The information provided by brokers enables institutional food service professionals to know which manufacturers the broker represents, which States the broker serves, and contacts at the brokerage firm. All registrants on the USDA Food Connect Web site will be re-directed to the USDA eAuthentication Web site to register their Level 1 Access (OMB No. 0503–0014). Each new user must create their own login ID and password, to meet the eAuthentication requirements.

The USDA Food Connect Web site has not had any changes since this information collection was approved December 30, 2007. Prior to launching the USDA Food Connect Web site in 2004, the food manufacturers requested changes to streamline the data entry process. These changes were made and the Web site was redeployed October 2006. The changes to the Web site provide processors and distributors with three methods to load product data to the USDA Food Connect Web site. Since

deploying the Web site October 2006, the new methods for entering date has dramatically reduced the actual number of responses and burden hours: Total actual responses reduced from an estimate of 1,845 to 374; total burden estimated hours from 292 hours to 53 hours annually. Processors and distributors may continue to enter products one product at a time, but now have the opportunity to download their product information from existing product databases and use a template which they complete and download to the USDA Food Connect Web site.

Estimating Burden: The estimated total burden for revision of a currently approved information collection for the USDA Food Connect Web site once USDA eAuthentication Web site registration is completed is as follows:

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.14 hours per response.

Respondents: Institutional food service professionals (public and private schools, the military, Veterans Administration facilities, Native American facilities, health care facilities, colleges and universities, prisons, child care facilities, and facilities for needy families), processors, distributors, brokers, and associations.

Estimated Number of Respondents: 275 (188 institutional food service professionals, 37 processors, 7 distributors, 40 brokers, and 3 associations).

Estimated Number of Responses: 388.

Estimated Number of Responses per Respondent: 1.41.

Estimated Total Annual Burden on Respondents: 53 hours

New registration submissions, for the USDA Food Connect Web site, are completed as follows:

(1) *Institutional Food Service Professional registration submission.* Institutional food service professionals (public and private schools, the military, Veterans Administration facilities, Native American facilities, health care facilities, colleges and universities, prisons, child care facilities and facilities for needy families) use this registration submission to create their user profile on the USDA Food Connect Web site.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 7 minutes per response.

Respondents: Institutional food service professionals (public and private schools, the military, Veterans Administration facilities, Native American facilities, health care facilities, colleges and universities, prisons, child care facilities and facilities for needy families).

Estimated Number of Respondents: 188.

Estimated Number of Responses: 188.

Estimated Number of Responses per Respondent: Respondents only complete the registration once.

Estimated Total Annual Burden on Respondents: 21 hours.

(2) *Processors registration submission.* Processors use this registration submission to register their companies on the USDA Food Connect Web site.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9 minutes per response.

Respondents: Processors.

Estimated Number of Respondents: 37.

Estimated Number of Responses: 37.

Estimated Number of Responses per Respondent: Respondents only complete the registration once.

Estimated Total Annual Burden on Respondents: 6 hours.

(3) *Processors Add a Plant and Request an Audit registration submission.* Processors use this submission to register the plants in which they manufacture their products on the USDA Food Connect Web site.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 8 minutes per response.

Respondents: Processors.

Estimated Number of Respondents: 37.

Estimated Number of Responses: 37.

Estimated Number of Responses per Respondent: Each respondent completes this submission once for each plant they register.

Estimated Total Annual Burden on Respondents: 5 hours.

(4) *Processors Add a New Product registration submission (A Single Product).* Processors use this registration submission to register their products manufactured from USDA supplied commodities and their commercial food products, on the USDA Food Connect Web site using this method. Processors may include additional product information including but not limited to: Ingredients, product description, preparation and cooking instructions, nutrients, packaging data, and product fact sheet link.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 16 minutes per response.

Respondents: Processors.

Estimated Number of Respondents: 2.

Estimated Number of Responses: 2.

Estimated Number of Responses per Respondent: 10. Each respondent completes this submission once for each product they register.

Estimated Total Annual Burden on Respondents: 5 hours.

(5) *Processors Add a New Product registration submission (AFS Technologies, Inc.).* Processors use this registration submission to register their products manufactured from USDA supplied commodities and their commercial food products, on the USDA Food Connect Web site using this method. Processors may include additional product information including but not limited to: Ingredients, product description, preparation and cooking instructions, nutrients, packaging data, and product fact sheet link.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 minutes per response.

Respondents: Processors.

Estimated Number of Respondents: 5.

Estimated Number of Responses: 5.

Estimated Number of Responses per Respondent: Each respondent that uses AFS Technologies, Inc., Food Profile database to register their products completes this submission once.

Estimated Total Annual Burden on Respondents: 0.15 hours.

(6) *Processors Add a New Product registration submission (Excel spreadsheet).* Processors use this registration submission to register their products manufactured from USDA supplied commodities and their commercial food products, on the USDA Food Connect Web site using this method. Processors may include additional product information including but not limited to: Ingredients, product description, preparation and cooking instructions, nutrients, packaging data, and product fact sheet link.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 10 minutes per response.

Respondents: Processors.

Estimated Number of Respondents: 30.

Estimated Number of Responses: 30.

Estimated Number of Responses per Respondent: Each respondent that uses the Excel spreadsheet to register their products completes this submission once.

Estimated Total Annual Burden on Respondents: 4 hours.

(7) *Distributors registration submission.* Distributors use this registration submission to register their food service distribution companies on the USDA Food Connect Web site.

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average 9 minutes per response.

Respondents: Distributors.

Estimated Number of Respondents: 7.

Estimated Number of Responses: 7.

Estimated Number of Responses per Respondent: Respondents only complete the registration once.

Estimated Total Annual Burden on Respondents: 1 hour.

(8) *Distributors Add a Warehouse and Request an Audit registration submission.* Distributors use this submission to register the warehouses in which they store the products they list on the USDA Food Connect Web site. This page is currently inactive due to technical problems.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 8 minutes per response.

Respondents: Distributors.

Estimated Number of Respondents: 7.

Estimated Number of Responses: 7.

Estimated Number of Responses per Respondent: Each respondent completes this submission once for each warehouse they register.

Estimated Total Annual Burden on Respondents: 1 hour.

(9) *Distributors Add a New Product registration submission (A Single Product).* Distributors use this registration submission to register their branded commercial food products on the USDA Food Connect Web site using this method. Distributors may include additional product information including but not limited to: Ingredients, product description, preparation and cooking instructions, nutrients, package and packaging data, and product fact sheet link. This page is currently inactive due to technical problems.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 16 minutes per response.

Respondents: Distributors.

Estimated Number of Respondents: 1.

Estimated Number of Responses: 5.

Estimated Number of Responses per Respondent: Each respondent completes this submission once for each product they register.

Estimated Total Annual Burden on Respondents: 1 hour.

(10) *Distributors Add a New Product registration submission (AFS Technologies, Inc.).* Distributors use this registration submission to register their branded commercial food products on the USDA Food Connect Web site using this method. Distributors may include additional product information including but not limited to: Ingredients, product description, preparation and cooking instructions, nutrients, package and packaging data, and product fact sheet link. This page is currently inactive due to technical problems.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2 minutes per response.

Respondents: Distributors.

Estimated Number of Respondents: 2.

Estimated Number of Responses: 1.

Estimated Number of Responses per Respondent: Each respondent that uses the AFS Technologies, Inc., Food Profile database to register their products completes this submission once.

Estimated Total Annual Burden on Respondents: 1 hour.

(11) *Distributors Add a New Product registration submission (Excel spreadsheet).* Distributors use this registration submission to register their branded commercial food products on the USDA Food Connect Web site using this method. Distributors may include additional product information including but not limited to: Ingredients, product description, preparation and cooking instructions, nutrients, package and packaging data, and product fact sheet link. This page is currently inactive due to technical problems.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 10 minutes per response.

Respondents: Distributors.

Estimated Number of Respondents: 4.

Estimated Number of Responses: 1.

Estimated Number of Responses per Respondent: Each respondent that uses the Excel spreadsheet to register their products completes this submission once.

Estimated Total Annual Burden on Respondents: 1 hour.

(12) *Brokers registration submission.* Brokers use this registration submission to register the brokerage and the companies they represent on the USDA Food Connect Web site.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 16 minutes per response.

Respondents: Brokers.

Estimated Number of Respondents: 40.

Estimated Number of Responses: 40.

Estimated Number of Responses per Respondent: Respondents only complete the registration once.

Estimated Total Annual Burden on Respondents: 6 hours.

(13) *Brokers Add a Branch registration submission.* Brokers use this submission to register any branches for the brokerage on the USDA Food Connect Web site.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9 minutes per response.

Respondents: Brokers.

Estimated Number of Respondents: 1.

Estimated Number of Responses: 1.

Estimated Number of Responses per Respondent: 3. Respondents only complete this submission when they have branch offices; if so, they complete one for each branch office.

Estimated Total Annual Burden on Respondents: 0.45 hours.

(14) *Association registration submission.* Associations in the food service arena use this registration submission to create their user profile on the USDA Food Connect Web site.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 7 minutes per response.

Respondents: Associations.

Estimated Number of Respondents: 3.

Estimated Number of Responses: 3.

Estimated Number of Responses per Respondent: Respondents only complete the registration once.

Estimated Total Annual Burden on Respondents: 0.33 hours.

Comments: Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Lynne E. Yedinak, Process Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247, 1400 Independence Avenue, SW., Washington, DC 20250–0247, telephone: (202) 720–9939 and Fax: (202) 690–1527; or Internet: *http://www.regulations.gov*. All comments received will be available for public inspection in the above office during regular business hours at the same address or can be viewed at *http://www.regulations.gov*.

All responses to this notice will be summarized and included in the request

for OMB approval. All comments will become a matter of public record.

Dated: May 19, 2010.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2010–12473 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–DA–10–005; DA–10–02]

Notice of Request for Approval of a New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval, from the Office of Management and Budget, for two new forms: (1) *Request for Applicant Number* and (2) *Export Applicant Number Activation.*

DATES: Comments on this notice must be received by July 26, 2010 to be assured of consideration.

ADDRESSES: Comments may be sent to Office of the Deputy Administrator, USDA/AMS/Dairy Programs, Room 2968–S, 1400 Independence Avenue, SW., Washington, DC 20090–6465 or may be submitted at the Federal eRulemaking Portal: *http// www.regulations.gov.* Comments should reference the docket number and the date and page of issue in the **Federal Register**. All comments received will be available for public inspection during regular business hours at the above address or at *http:// www.regulations.gov.* The identity of the individuals or entities submitting comments will be made public.

Additional Information: Contact Kenneth Vorgert, USDA/AMS/Dairy Programs, Dairy Grading Branch, 2150 Western Court, Suite 100, Lisle, IL 60532–1973; Tel: 630–437–5037, Fax: 630–437–5037 or via e-mail at: *ken.vorgert@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: (1) *Title:* Request for Applicant Number.

OMB Number: 0581–NEW.

Expiration Date of Approval: Three years from approval date.

Type of Request: New information collection.

Abstract: The dairy grading program is a voluntary user fee program authorized under the Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621–1627). The regulations governing inspection and grading services of manufactured or processed dairy products are contained in 7 CFR part 58. In order for a voluntary inspection program to perform satisfactorily, appropriate information must be collected. In general, information requested is used to identify and contact the party responsible for payment of the export certification, inspection, grading or equipment evaluation fee and expense. The information requested on the two new forms is required for AMS Dairy Grading Branch to set up accounts to allow applicants to do business with AMS Dairy Grading Branch. This information is currently collected over the telephone, or through faxes, letters or e-mails. The new forms will allow for uniform collection of the information and more secure management of the information.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.05 hours per response.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 250.

Estimated Total Annual Responses: 250.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 12.5 hours.

(2) *Title:* Export Applicant Number Activation.

OMB Number: 0581–NEW.

Expiration date of Approval: Three years from approval date.

Type of Request: New information collection.

Abstract: The dairy grading program is a voluntary user fee program authorized under the Agricultural Marketing Act (AMA) of 1946 (7 U.S.C. 1621–1627). The regulations governing inspection and grading services of manufactured or processed dairy products are contained in 7 CFR part 58. In order for a voluntary inspection program to perform satisfactorily, appropriate information must be collected. The information collected will be used to activate the applicants account number in an automated system to request export certificates.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.05 hours per response.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 250.

Estimated Total Annual Responses: 250.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 12.5 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: May 19, 2010.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. 2010–12470 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–LS–10–0035]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget, for an extension of the currently approved information collection used to compile and generate cattle, swine, lamb, and boxed beef market news reports under the Livestock Mandatory Reporting Act of 1999.

DATES: Comments on this notice must be received by July 26, 2010 to be assured of consideration.

Additional Information or Comments: Comments may be mailed to Jimmy A. Beard; Assistant to the Chief; Livestock and Grain Market News Branch, Livestock and Seed Program, Agricultural Marketing Service, U.S. Department of Agriculture; STOP 0252; 1400 Independence Avenue, SW.; Room 2619–S; Washington, DC 20250–0252; Phone (202) 720–8054; Fax (202) 690–3732; or e-mailed to the Federal Rulemaking Portal: *http://www.regulations.gov* or e-mailed to *marketnewscomments@usda.gov*. State that your comments refer to Docket No. AMS–AMS–10–0012.

FOR FURTHER INFORMATION CONTACT: Michael Lynch, Acting Chief, Livestock and Grain Market News Branch, AMS, USDA, by telephone on 202/720–6231, or via e-mail at: *michael.lynch@ams.usda.gov,* or Jimmy A. Beard, Assistant to the Chief, Livestock and Grain Market News Branch, AMS, USDA, or by telephone on 202/720–6231, or e-mail at: *jimmy.beard@ams.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: Livestock Mandatory Reporting Act of 1999.

OMB Number: 0581–0186.

Expiration Date of Approval: 09–30–2010.

Type of Request: Extension of a currently approved information collection.

Abstract: The 1999 Act was enacted into law on October 22, 1999 (Pub. L. 106–78; 7 U.S.C. 1635–1636h), as an amendment to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627). The 1999 Act as originally passed provided for the mandatory reporting of market information by federally inspected livestock processing plants that have slaughtered an average number of livestock during the immediately preceding 5 calendar years (125,000 for cattle and 100,000 for swine), including any processing plant that did not slaughter during the immediately preceding 5 calendar years if the Secretary determines that the plant should be considered a packer based on the plant's capacity. For entities that did not slaughter during the immediately preceding 5 calendar years, such as a new plant or existing plant that begins operations, AMS projects the plant's annual slaughter or production based upon the plant's estimate of annual slaughter capacity to determine which entities meet the definition of a packer as defined in this regulation. The 1999 Act also gave the Secretary the latitude to provide for the reporting of lamb information. Federally inspected lamb processing plants that slaughtered an average of 75,000 head of lambs or processed an average of 75,000 lamb carcasses during the immediately preceding 5 calendar years were required to submit information to AMS. Additionally, a lamb processing plant that did not slaughter an average of 75,000 lambs or process an average of 75,000 lamb carcasses during the immediately preceding 5 calendar years was required to report information if the Secretary determined the processing plant should be considered a packer based on its capacity. In addition, the Act also established that for any calendar year, an importer of lamb that imported an average of 5,000 metric tons of lamb meat products per year during the immediately preceding 5 calendar years, report information on the domestic sales of imported boxed lamb cuts. Additionally, an importer that did not import an average of 5,000 metric tons of lamb meat products during the immediately preceding 5 calendar years was required to report information if the Secretary determined that the person should be considered an importer based on their volume of lamb imports. The regulations implementing the Act appear at 7 CFR, part 59. On September 2, 2004, AMS published a final rule (69 FR 53783) that revised the threshold for importers to 2,500 metric tons and modified the definition of carlot when used in reference to boxed lamb cuts.

The 1999 Act was reauthorized in October 2006, which re-established the regulatory authority and amended the swine reporting requirements to include swine packers that slaughtered an average of at least 200,000 sows, boars, or combination thereof per year during the immediately preceding 5 calendar years. On May 16, 2008, AMS published a final rule (75 FR 28606) implementing the same.

The reports that are generated by the 1999 Act are used by other Government agencies to evaluate market conditions and calculate price levels, such as USDA's Farm Service Agency, that administers the Farmer-owned Reserve Program. Economists at most major agricultural colleges and universities use the reports to make short and long-term market projections. Also, the Government is a large purchaser of livestock and related products. A system to monitor the collection and reporting of data therefore is needed.

The information must be collected, compiled, and disseminated by an impartial third-party, in a manner which protects the confidentiality of the reporting entity. AMS is in the best position to provide this service.

Estimate of Burden: Public reporting burden for this Collection of information is estimated to average .1928 hours per response.

Respondents: Business or other for-profit entities, individuals or households, farms, and the Federal Government.

Estimated Number of Respondents: 389.

Estimated Number of Responses: 118,768.

Estimated Number of Responses per Respondent: 305.

Estimated Total Annual Burden on Respondents: 22,898 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Jimmy A. Beard, 1400 Independence Ave., Room 2619–S; Washington, DC 20250–0252. Comments can be submitted to: *http://www.regulations.gov* and viewed there as well. All comments received will be available for public inspection during regular business hours at the same address or on the Internet at *http://www.ams.usda.gov/lsmnpubs*.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: May 19, 2010.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2010–12468 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No FV10–CP–01, AMS–FV–10–0041]

Web Based Supply Chain Management Commodity Offer Form, Paperwork Collection Notice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Agricultural Marketing Service (AMS) is seeking comments from all interested individuals and organizations on a revision of a currently approved information collection request. This information collection is necessary to support the procurement of agricultural commodities for domestic nutrition assistance programs. AMS issues invitations to purchase fresh and processed commodities for domestic nutrition assistance programs on a year round basis. The revision to the information collection request is required for the implementation of a new system named Web Based Supply Chain Management (WBSCM) that will allow respondents to submit information electronically. It will replace the existing computer request for information collected with and a similar set of computer requested data in WBSCM. The information collection burden for respondents should not increase.

DATES: Comments on this notice must be received on or before July 26, 2010.

ADDRESSES: We invite you to submit comments on this notice. In your comment, include date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *E-mail:* Send comments to: *david.tuckwiller@ams.usda.gov.*
- *Fax:* (202) 720–2782.
- *Mail:* David Tuckwiller, Project Manager, Web Based Supply Chain Management System, Agricultural Marketing Service (AMS), 1400 Independence Ave., SW., Room 1406, Washington, DC 20090.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David Tuckwiller, Project Manager, Web Based Supply Chain Management System, phone (202) 720–4517.

SUPPLEMENTARY INFORMATION:

Title: WBSCM Offer Forms.

OMB Number: 0581–NEW.

Expiration Date: Three years from approval.

Type of Request: Regular.

Abstract: AMS purchases commodities for various domestic nutrition assistance programs, and provides support for commodity markets with surplus inventory. AMS issues invitations to purchase agricultural commodities for use in domestic nutrition assistance programs. Currently, vendors respond by submitting sealed bids electronically via Domestic Electronic Bid Entry System (DEBES).

This information collection request is for the new WBSCM system where respondents will submit information electronically via that system. It will replace DEBES.

Vendor information and the annual certification information will be entered and received electronically in WBSCM. All of the domestic offer information will be entered and received electronically in WBSCM. Vendors will be able to access WBSCM to see the date and time the system shows for receipt of bid, bid modification, or bid cancellation information. At bid opening date and time, the bid information is evaluated through the WBSCM system. Acceptances will be sent to the successful offerors electronically. Awarded contracts will be posted on the AMS Web site.

Estimate of Burden: Public reporting burden for collecting information under this notice is estimated to average 25 (divide the burden hours by # of responses 944/2266 = .41 or 25 minutes) minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Businesses.

Estimated Number of Respondents: 344.

Estimated Average Number of Responses per Respondent: 6.59 (# of response/# of respondents 2266/344 = 6.59).

Estimated Total Annual Responses: 2266.

Estimated Total Annual Burden on Respondents: 944 hours.

We are requesting comments on all aspects of this information collection that will help us to:

(1) Evaluate 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;

(2) Evaluate the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 19, 2010.

David R. Shipman,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2010–12472 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2010–0004]

Availability of Compliance Guide for Mobile Slaughter Units

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability and opportunity for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of a compliance guide on mobile slaughter units. FSIS will post this compliance guide on its Significant Guidance Documents Web page *http://www.fsis.usda.gov/Significant_Guidance/index.asp*. FSIS encourages those who own or manage mobile slaughter units to avail themselves of this guidance document in meeting the pertinent regulatory requirements. FSIS is also soliciting comments on this compliance guide. The Agency will consider carefully all comments submitted and will revise the guide as warranted.

DATES: Submit written comments by July 26, 2010.

ADDRESSES: FSIS invites interested persons to submit comments on this notice and the compliance guidelines. Comments may be submitted by either of the following methods:

Federal eRulemaking Portal: This Web site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Go to *http://www.regulations.gov*. Follow the online instructions at that site for submitting comments.

Mail, including floppy disks or CD–ROMs, and hand- or courier-delivered items: Send to Docket Clerk, U.S. Department of Agriculture (USDA), FSIS, Room 2–2127, George Washington Carver Center, 5601 Sunnyside Avenue, Mailstop 5474, Beltsville, MD 20705–5474.

Instructions: All items submitted by mail or electronic mail must include the

Agency name and docket number FSIS–2010–0004. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov*.

Docket: For access to background documents or to comments received, go to the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: *Mark.Cutrufelli@fsis.usda.gov,* phone: (770) 304–8919.

SUPPLEMENTARY INFORMATION:

Background

A mobile slaughter unit (MSU) is a self-contained slaughter facility that can travel from site to site. The MSU compliance guide is intended for owners and managers of a new or existing red meat or poultry mobile slaughter unit who want their business to come under Federal inspection and to operate in accordance with FSIS regulations. The document includes the procedures necessary to receive a Federal grant of inspection, unique concerns that may arise with mobile slaughter units, and links to regulatory requirements and resources.

The meat and poultry industries have become increasingly consolidated, while consumer interest in locally grown and specialty products has continued to expand. MSUs can help producers meet consumer demand for locally grown and specialty products and can serve multiple small producers in areas where slaughter services might be unaffordable or otherwise unavailable. Therefore MSUs can help small producers expand their businesses and create wealth in rural communities.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at *http://www.fsis.usda.gov/regulations_&_policies/2010_Notices_Index/index.asp*.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/news_and_events/email_subscription/*. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on May 17, 2010.

Alfred V. Almanza,

Administrator.

[FR Doc. 2010–12510 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2010-0003]

Notice of Decision to Issue Permits for the Importation of Fresh Male Summer Squash Flowers From Israel Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to begin issuing permits for the importation into the continental United States of fresh male summer squash flowers from Israel. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, 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 male summer squash flowers from Israel.

EFFECTIVE DATE: May 25, 2010.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. West, Senior Import Specialist, Regulatory Coordination and Compliance, 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 spreading within the United States. Under that process, APHIS may publish a notice in the **Federal Register** announcing the availability of a pest risk analysis that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS may begin issuing permits for importation of the fruit or vegetable subject to the risk-mitigation measures identified in the pest risk analysis if: (1) No comments were received on the pest risk analysis; (2) the comments on the pest risk analysis revealed that no changes to the pest risk analysis were necessary; or (3) changes to the pest risk analysis were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator's determination of risk.

In accordance with that process, we published a notice[1] in the **Federal Register** on February 9, 2010 (75 FR 6346, Docket No. APHIS-2010-0003) in which we announced the availability, for review and comment, of a pest risk analysis evaluating the risks associated with the importation into the continental United States of fresh male summer squash flowers from Israel. We solicited comments on the notice for 60 days ending on April 12, 2010. We received one comment during that time. The commenter wrote in support of allowing the importation of fresh male summer squash flowers from Israel into the continental United States.

Therefore, in accordance with the regulations in § 319.56-4(c)(2)(ii), we are announcing our decision to begin issuing permits for the importation into the continental United States of fresh male summer squash flowers from Israel provided that each commercial consignment of the squash flowers is accompanied by a phytosanitary certificate stating that the consignment has been inspected and found free of

[1] To view the notice and the pest risk analysis, go to (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0003*).

Helicoverpa armigera and *Scirtothrips dorsalis* and that each consignment is subject to inspection at the port of entry.

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at (*http://www.aphis.usda.gov/favir)*) . In addition to these specific measures, fresh male summer squash flowers from Israel will be subject to the general requirements listed in § 319.56-3 that are applicable to the importation of all fruits and vegetables.

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 19th day of May 2010.

Kevin Shea

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–12532 Filed 5–24–10; 10:03 am]

BILLING CODE 3410–34–S

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Muncie, IN; Fremont, NE; Maryland; and West Lafayette, IN Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (USGSA): East Indiana Grain Inspection, Inc. (East Indiana); Fremont Grain Inspection Department, Inc. (Fremont); Maryland Department of Agriculture (Maryland); Enid Grain Inspection Company, Inc. (Enid); and Titus Grain Inspection, Inc. (Titus).

DATES: *Effective Date:* July 1, 2010.

ADDRESSES: Karen W. Guagliardo, Branch Chief, Review Branch, Compliance Division, GIPSA, USDA, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Karen W. Guagliardo, 202–720–8262 or *Karen.W.Guagliardo@usda.gov.*

Read Applications: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the September 4, 2009, **Federal Register** (74 FR 45803), GIPSA requested applications for designation to provide official services in the geographic areas presently serviced by the agencies named above. Applications were due by October 1, 2009.

East Indiana, Fremont, Maryland, and Titus were the sole applicants for designations to provide official services in these areas. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated all available information regarding the designation criteria in section 7(f)(l) of the USGSA (7 U.S.C. 79(f)) and determined that East Indiana, Fremont, Maryland, and Titus are qualified to provide official services in the geographic areas specified in the September 4, 2009, **Federal Register** for which they applied. These designation actions to provide official services in the specified areas are effective July 1, 2010, and terminate on June 30, 2013.

Interested persons may obtain official services by calling the telephone numbers listed below:

Official agency	Headquarters location and telephone	Designation start	Designation end
East Indiana	Muncie, IN (765–289–1206)	7/1/2010	6/30/2013
Fremont	Fremont, NE (402–721–5086) Additonal Location: Denison, IA.	7/1/2010	6/30/2013
Maryland	Annapolis, MD (410–841–2750)	7/1/2010	6/30/2013
Titus	West Lafayette, IN (765–497–2202)	7/1/2010	6/30/2013

Section 7(f)(1) of the USGSA authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)(1)).

Under section 7(g)(1) of the USGSA, designations of official agencies are effective for 3 years unless terminated by the Secretary; however, designations may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act.

Authority: 7 U.S.C. 71–87k.

Marianne Plaus,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2010–12382 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Columbus, OH; Dallas, TX; and Decatur, IN Areas; Request for Comments on the Official Agencies Servicing These Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The designations of the official agencies listed below will end on December 31, 2010. We are asking persons or governmental agencies interested in providing official services in the areas presently served by these agencies to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agencies: Columbus Grain Inspection, Inc. (Columbus); Gulf Country Grain Inspection Service, Inc. (Gulf Country); and Northeast Indiana Grain Inspection, Inc. (Northeast Indiana).

DATES: Applications and comments must be received by July 1, 2010.

ADDRESSES: Submit applications and comments concerning this notice using any of the following methods:

• *Applying for Designation on the Internet:* Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.

• *Submit Comments Using the Internet:* Go to Regulations.gov (*http://www.regulations.gov*). Instructions for

submitting and reading comments are detailed on the site.

• *Hand Delivery/Courier Address:* Karen W. Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250.

• *Mail:* Karen W. Guagliardo, Review Branch Chief, Compliance Division, GIPSA, USDA, STOP 3604, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

• *Fax:* Karen W. Guagliardo, 202–690–2755.

• *E-mail:* *Karen.W.Guagliardo@usda.gov.*

Read Applications and Comments: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

FOR FURTHER INFORMATION CONTACT: Karen W. Guagliardo, 202–720–8262 or *Karen.W.Guagliardo@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 7(f)(1) of the United States Grain Standards Act (USGSA) (7 U.S.C. 71–87k) authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. Under section 7(g)(1) of the USGSA, designations of official agencies are effective for 3 years unless terminated by the Secretary, but may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act.

Areas Open for Designation

Columbus

Pursuant to Section 7(f)(2) of the Act, the following geographic areas, in the States of Michigan and Ohio are assigned to this official agency:

In Michigan:

Jackson (east of U.S. Route 127 and south and west of State Road 50), Lenawee (east Bounded on the West by State Route 127 at the Michigan-Ohio State line north to State Route 50; Bounded on the north by State Route 50 at State Route 127 east to the Michigan State line; the Michigan state line south to the Michigan-Ohio State line.

In Ohio:

The northern Ohio State line east to the to the Ohio Pennsylvania State line; Bounded on the East by the Ohio-Pennsylvania State line south to the Ohio River; Bounded on the South by the Ohio River south-southwest to the western Scioto County line; and Bounded on the West by the western Scioto County line north to State Route 73; State Route 73 northwest to U.S. Route 22; U.S. Route 22 west to U.S. Route 68; U.S. Route 68 north to Clark County; the northern Clark County line west to State Route 560; State Route 560 north to State Route 296; State Route 296 west to Interstate 75; Interstate 75 north to State Route 47; State Route 47 northeast to U.S. Route 68 (including all of Sidney, Ohio); U.S. Route 68 north to the southern Hancock County line; the southern Hancock County line west to the western Hancock, Wood and Lucus County lines north to the Michigan-Ohio State line; the Michigan-Ohio State line west to State Route 127.

Columbus' assigned geographic area does not include those export port locations within their assigned geographic areas, which are serviced by GIPSA.

Gulf Country

Pursuant to Section 7(f)(2) of the Act, the following geographic areas, in the State of Texas are assigned to this official agency:

Bounded on the North by the northern Young, Jack, Montague, Cooke, Grayson, Fannin, Lamar, Red River, Morris, and Marion County lines east to the Texas State line; Bounded on the East by the eastern Texas State line south to the southern Shelby County line; Bounded on the South by the southern Shelby, Rusk, Smith, Henderson, Navarro, Hill, Bosque, Hamilton, and Mills County lines west to the western Mills county line; and Bounded on the West by the western Mills, Comanche, Eastland, Stephens, and Young County lines north to the northern Young County line.

Northeast Indiana

Pursuant to Section 7(f)(2) of the Act, the following geographic areas, in the State of Indiana are assigned to this official agency:

Bounded on the North by the northern Lagrange and Steuben County lines; Bounded on the East by the eastern Steuben, De Kalb, Allen, and Adams County lines; Bounded on the South by the southern Adams and Wells County lines; and Bounded on the West by the western Wells County line; the southern Huntington and Wabash County lines; the western Wabash County line north to State Route 114; State Route 114 northwest to State Route 19; State Route 19 north to Kosciusko County; the western and northern Kosciusko County lines; the western Noble and Lagrange County lines.

The following grain elevator, located outside of the above contiguous geographic area, is part of this geographic area assignment: E.M.P. Coop, Payne, Paulding County, Ohio (located inside Michigan Grain Inspection Services, Inc.'s, area).

Opportunity for Designation

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 7(f) of the USGSA and 7 CFR 800.196(d). Designation in the specified geographic areas is for the period beginning January 1, 2011, and ending December 31, 2013. To apply for designation or for more information, contact Karen W. Guagliardo at the address listed above or visit GIPSA's Web site at *http://www.gipsa.usda.gov.*

Request for Comments

We are publishing this notice to provide interested persons the opportunity to comment on the quality of services provided by the Columbus, Gulf Country, and Northeast Indiana official agencies. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicants. Submit all comments to Karen W. Guagliardo at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicant will be designated.

Authority: 7 U.S.C. 71–87k.

Marianne Plaus,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2010–12381 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Solicitation of Nominations for Members of the USDA Grain Inspection Advisory Committee

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice reopening time period for soliciting nominees to the Grain Inspection Advisory Committee.

SUMMARY: The Department of Agriculture's (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is reopening the time period for submitting nominations for individuals to serve on the USDA Grain Inspection Advisory Committee (Advisory Committee) to invite additional nominations. USDA values diversity. In an effort to obtain nominations of diverse candidates, USDA encourages the nominations of men and women of all racial and ethnic groups. The Advisory Committee meets twice annually to advise GIPSA on the programs and services it delivers under the U.S. Grain Standards Act (USGSA). Recommendations by the Advisory

Committee help GIPSA better meet the needs of its customers who operate in a dynamic and changing marketplace.

DATES: GIPSA will consider nominations received by June 24, 2010.

ADDRESSES: Submit nominations for the Advisory Committee by completing form AD–755. Nominations may be submitted by:

- *E-Mail: Terri.L.Henry@usda.gov.*
- *Mail:* Terri Henry, GIPSA, USDA, 1400 Independence Ave., SW., Room 1633–S, Stop 3642, Washington, DC 20250–3642.
- *Fax:* (202) 690–2173.
- *Hand Delivery or Courier:* Terri Henry, GIPSA, USDA, 1400 Independence Ave., SW., Room 1633–S, Stop 3642, Washington, DC 20250–3642.
- *Internet:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Terri L. Henry, telephone (202) 205–8281 or e-mail *Terri.L.Henry@usda.gov.*

SUPPLEMENTARY INFORMATION: As required by section 21 of the USGSA (7 U.S.C. 87j), as amended, the Secretary of Agriculture established the Grain Inspection Advisory Committee to provide advice to the GIPSA Administrator on implementation of the USGSA. The current authority for the Advisory Committee expires on September 30, 2015. As specified in the USGSA, each member's term is 3 years and no member may serve successive terms.

The Advisory Committee consists of 15 members, appointed by the Secretary, who represent the interests of grain producers, processors, handlers, merchandisers, consumers, exporters, and scientists with expertise in research related to the policies in section 2 of the USGSA (7 U.S.C. 74). Members of the Advisory Committee serve without compensation. USDA may reimburse members for travel expenses, including per diem in lieu of subsistence, for travel away from their homes or regular places of business in performance of Advisory Committee service (see 5 U.S.C. 5703).

A list of current Advisory Committee members and other relevant information are available on the GIPSA Web site at *http://www.gipsa.usda.gov.* Under the section "I Want To * * * " select "Learn about the Advisory Committee."

On November 10, 2009, GIPSA published a notice in the **Federal Register** (74 FR 57991) soliciting nominations to serve on the Advisory Committee to replace five members and eight alternate members whose terms expired in March 2010. GIPSA is reopening for 30 days the time period for submitting additional nominations for individuals to serve on the Advisory Committee.

Persons interested in serving on the Advisory Committee or nominating another individual to serve, may contact: Terri L. Henry by telephone at 202–205–8281, by fax at 202–690–2173, or by electronic mail at *Terri.L.Henry@usda.gov* to request Form AD–755. Form AD–755 may also be obtained via GIPSA's Web site at *http://www.gipsa.usda.gov.* Under the section "I Want To…" select "Learn about the Advisory Committee," then select Form AD–755. To ensure that recommendations of the Advisory Committee take into account the needs of the diverse groups served by the USDA, nominations shall include, to the extent practicable, individuals with demonstrated ability and experience to represent the interests of racial and ethnic minorities, women, and persons with disabilities.

The final selection of Advisory Committee members and alternates is made by the Secretary of Agriculture without regard to race, color, religion, sex, national origin, age, mental or physical disability, marital status, familial status, political beliefs, sexual orientation, or because all or part of their income is derived from public assistance.

Marianne Plaus,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2010–12380 Filed 5–24–10; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–2010–0031]

Notice Regarding the Elimination of the Fee for Petitions To Make Special Filed Under the Patent Prosecution Highway (PPH) Programs

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) is eliminating the fee for the petition to make special under the Patent Prosecution Highway (PPH) programs. Currently, applicants must pay a petition fee under 37 CFR 1.17(h) to have an application to enter into the PPH program. With the elimination of the fee, applicants will no longer have to pay the petition to make special fee in order to request an application enter all current pilot and fully implemented PPH programs. The elimination of the petition fee will simplify the PPH requirements and is expected to encourage greater PPH participation.

Since 2006, the USPTO has implemented the Patent Prosecution Highway (PPH) programs with a number of patent offices as part of efforts to pursue work sharing to avoid duplication of work among patent offices, and for reducing its own pendency and backlog. Notices regarding the PPH programs are available on the USPTO Web site at: *http://www.uspto.gov/patents/init_events/pph/index.jsp.* Until now, the PPH notices have indicated that a request for participation in the PPH program must be accompanied by a petition to make special under 37 CFR 1.102(d) along with the required petition fee set forth in 37 CFR 1.17(h).

The PPH applications have proven, on average, to take significantly less time to prosecute than non-PPH applications. Using the PPH process also increases the sharing and re-use of information (primarily search and examination results) between the USPTO and its partner patent offices. Improving the PPH framework to make it more user-friendly, and thereby encourage greater participation by applicants, would support the Office's goal to optimize both the quality and timeliness of patents. Therefore, the USPTO has determined that all PPH applications will now be advanced out of turn for examination under 37 CFR 1.102(a) in order to expedite the business of the Office. Applications that are advanced out of turn under 37 CFR 1.102(a) do not require the petition fee set forth in 37 CFR 1.17(h). Previously, applications were advanced out of turn under 37 CFR 1.102(d).

DATES: *Effective Date:* May 25, 2010.

FOR FURTHER INFORMATION CONTACT: Magdalen Greenlief, Office of the Associate Commissioner for Patent Examination Policy, by telephone at 571–272–8140, by facsimile transmission to 571–273–8140, or by mail addressed to: Mail Stop Comments–Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450.

SUPPLEMENTARY INFORMATION: PPH is a first concrete implementation of a work-sharing framework which was jointly developed by the USPTO and the Japan Patent Office (JPO) in 2006 as a pilot project. The objective of the PPH is to promote work sharing while at the same time allowing applicants to obtain

patentability determinations faster in multiple jurisdictions. The USPTO currently has PPH arrangements with ten patent offices–those in Japan, the United Kingdom, the Republic of Korea, Canada, Australia, the European Patent Office (EPO), Denmark, Germany, Singapore and Finland. Notices regarding the PPH programs with these patent offices are available on the USPTO Web site at: *http://www.uspto.gov/patents/init_events/pph/index.jsp.*

Under the PPH program, if an application filed in an Office of First Filing (OFF) receives an indication that at least one claim is patentable, a corresponding application with corresponding claims filed in the USPTO as the Office of Second Filing (OSF) may be advanced out of turn for examination. To have the request for participation in the PPH accepted in the USPTO, an applicant must make available to the USPTO the relevant work of the OFF as well as any necessary translation. In addition, the request for participation in the PPH, until now, had to be accompanied by a petition to make special under 37 CFR 1.102(d) along with the required petition fee under 37 CFR 1.17(h).

The PPH has proven to be a useful work-sharing vehicle, as shown by the following statistics (as of February 2010):

- Over 2,500 PPH requests received by the USPTO since 2006;
- First action allowance rate for PPH applications is about 25%, about double the first action allowance rate for all applications;
- Overall allowance rate for PPH applications is about 93%, about double the allowance rate for all applications; and
- The average number of actions per disposal for PPH applications is about 1.7, which is significantly less than the number of actions per disposal for non-PPH applications.

While the PPH has been useful, it can be improved. The USPTO has taken a number of steps, in concert with the Japan Patent Office (JPO) and other PPH partners, to enhance the PPH framework to make it more user friendly and thereby encourage greater participation. In January 2010, the USPTO, JPO and EPO began a test implementation of an expanded PPH framework, to allow participation of the Patent Cooperation Treaty (PCT) national/regional phase applications when the International Authority has determined that one or more claims have novelty, inventive step and industrial applicability in the international phase. Previously, all PPH programs were confined to Paris Convention route applications. The expectation is that by expanding the PPH to include PCT work products, participation will increase.

The USPTO is taking additional steps to enhance the PPH framework to make the programs more user friendly and thereby encourage more participation. All petitions to make special filed with a PPH request *on or after* May 25, 2010 will be treated as a request that the Director order their application be advanced out of turn to expedite the business of the Office under 37 CFR 1.102(a), and the petition fee set forth in 37 CFR 1.17(h) *will not* be required. If the request for participation in the PPH and the request to the Director are granted, the application will be advanced out of turn for examination by order of the Director under 37 CFR 1.102(a).

Petitions to make special filed with a PPH request *prior to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) *will* be required.

Dated: May 18, 2010.

David J. Kappos,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2010–12471 Filed 5–24–10; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture from the People's Republic of China: Extension of Time Limit for the Final Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: May 25, 2010.

FOR FURTHER INFORMATION CONTACT: Jeff Pedersen or David Edmiston, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–2769, and (202) 482–0989 respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 5, 2010, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on wooden bedroom furniture (WBF) from the People's Republic of China (PRC), covering the period January 1, 2009 through December 31, 2009. *See Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent To Rescind Review in Part*, 75 FR 5952 (February 5, 2010). The final results of this administrative review were originally due no later than June 5, 2010. As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by seven days. The revised deadline for the final results of this review is currently June 12, 2010. *See* Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

Extension of Time Limit of Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires that the Department issue the final results of an administrative review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within that time period, section 751(a)(3)(A) of the Act allows the Department to extend the deadline for the final results to a maximum of 180 days after the date on which the preliminary results are published.

The Department finds that it is not practicable to complete the final results of this review by June 12, 2010, because the Department needs additional time to consider over 30 complex issues the parties have raised. Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time limit for completion of the final results by 60 days to August 11, 2010.

This notice is published in accordance with sections 751(a)(3)(A) and 777(i) of the Act.

Dated: May 19, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–12566 Filed 5–24–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Extension of Time Limits for Final Results of the Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* May 25, 2010.

FOR FURTHER INFORMATION CONTACT: Scott Lindsay, 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) 482–0780.

Background

On December 24, 2008, the Department of Commerce (Department) published the initiation of an administrative review of fresh garlic from the People's Republic of China covering the period November 1, 2007 through October 31, 2008. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 73 FR 79055 (December 24, 2008). On December 8, 2009, the Department published the preliminary results of this antidumping duty administrative review. *See Fresh Garlic From the People's Republic of China: Preliminary Results of, and Intent To Rescind, in Part, the Antidumping Duty Administrative Review,* 74 FR 64677 (December 8, 2009) (*Preliminary Results*).

As explained in the memorandum from the Deputy Assistant Secretary (DAS) for Import Administration, the Department exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5 through February 12, 2010. Thus, all deadlines in this segment of the proceeding were extended by seven days. *See* Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, Re: Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm (February 12, 2010). On April 8, 2010, the Department postponed the final results of this review by 30 days, until May 14, 2010. *See Fresh Garlic from the People's Republic of China: Extension of Time Limits for Final Results of the Antidumping Duty Administrative Review,* 75 FR 19364 (April 14, 2010).

Extension of Time Limits for Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), provides that the Department will issue the final results in an administrative review of an antidumping duty order within 120 days after the date on which the preliminary results are published. However, the Department may extend the deadline for completion of the final results of an administrative review to 180 days if it determines it is not practicable to complete the review within the foregoing time period. *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

The Department determines that it is not practicable to complete the final results of this administrative review by the current deadline of May 14, 2010. Specifically, the Department requires additional time to analyze issues raised by interested parties. Thus, we are extending the time for completion of the final results of this administrative review by an additional 30 days, as permitted by section 751(a)(3)(A) of the Act. The final results are now due no later than June 14, 2010.[1]

This notice is published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 11, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–12580 Filed 5–24–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On January 11, 2010, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on hand trucks and certain parts thereof from the People's Republic of China (PRC). The review covers one exporter. The period of review (POR) is December 1, 2007 through November 30, 2008. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made changes to the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted–average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: May 25, 2010.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–2924 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION: On January 11, 2010, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on hand trucks and certain parts thereof from the People's Republic of China (PRC). *See Hand Trucks and Certain Parts Thereof from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission in Part*, 75 FR 1339 (January 11, 2010) (*Preliminary Results*). The administrative review covers Since Hardware (Guangzhou) Co., Ltd. (Since Hardware).[1] We invited interested parties to comment on the preliminary results. On February 12, 2010 we received a case brief from petitioners. We received no case or rebuttal briefs from Since Hardware. No interested party requested a hearing.

Scope of the Order

The merchandise subject to this antidumping duty order consists of

[1] We note that the 187th day after the December 8, 2009 publication date of the preliminary results falls on Sunday, June 13, 2010. When a deadline falls on a weekend, the Department's practice is to use the next business day as the appropriate deadline. *See* Notice of Clarification: Application of Next Business Day Rule for Administrative Determination Deadlines Pursuant to the Act, 70 FR 24533 (May 10, 2005).

[1] This review origi*nally covered four exporters.* See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 74 FR 5821 (February 2, 2009). However the Department rescinded the review on two of those exporters on June 19, 2009. *See Notice of Partial Rescission, Intent to Rescind and Extension of Preliminary Results of Antidumping Duty Administrative Review: Hand Trucks and Certain Parts Thereof From the People's Republic of China*, 74 FR 29178 (June 19, 2009). It rescinded the review on another of the four exporters on January 11, 2010. *See Hand Trucks and Certain Parts Thereof from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission in Part*, 75 FR 1339 (January 11, 2010).

hand trucks manufactured from any material, whether assembled or unassembled, complete or incomplete, suitable for any use, and certain parts thereof, namely the vertical frame, the handling area and the projecting edges or toe plate, and any combination thereof.

A complete or fully assembled hand truck is a hand–propelled barrow consisting of a vertically disposed frame having a handle or more than one handle at or near the upper section of the vertical frame; at least two wheels at or near the lower section of the vertical frame; and a horizontal projecting edge or edges, or toe plate, perpendicular or angled to the vertical frame, at or near the lower section of the vertical frame. The projecting edge or edges, or toe plate, slides under a load for purposes of lifting and/or moving the load.

That the vertical frame can be converted from a vertical setting to a horizontal setting, then operated in that horizontal setting as a platform, is not a basis for exclusion of the hand truck from the scope of this petition. That the vertical frame, handling area, wheels, projecting edges or other parts of the hand truck can be collapsed or folded is not a basis for exclusion of the hand truck from the scope of the petition. That other wheels may be connected to the vertical frame, handling area, projecting edges, or other parts of the hand truck, in addition to the two or more wheels located at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of the petition. Finally, that the hand truck may exhibit physical characteristics in addition to the vertical frame, the handling area, the projecting edges or toe plate, and the two wheels at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of the petition.

Examples of names commonly used to reference hand trucks are hand truck, convertible hand truck, appliance hand truck, cylinder hand truck, bag truck, dolly, or hand trolley. They are typically imported under heading 8716.80.50.10 of the Harmonized Tariff Schedule of the United States (HTSUS), although they may also be imported under heading 8716.80.50.90. Specific parts of a hand truck, namely the vertical frame, the handling area and the projecting edges or toe plate, or any combination thereof, are typically imported under heading 8716.90.50.60 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the scope is dispositive.

Excluded from the scope are small two–wheel or four–wheel utility carts specifically designed for carrying loads like personal bags or luggage in which the frame is made from telescoping tubular materials measuring less than 5/8 inch in diameter; hand trucks that use motorized operations either to move the hand truck from one location to the next or to assist in the lifting of items placed on the hand truck; vertical carriers designed specifically to transport golf bags; and wheels and tires used in the manufacture of hand trucks.

Separate Rates

In proceedings involving non–market economy (NME) countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

In the preliminary results, we found that Since Hardware demonstrated its eligibility for separate rate status. We received no comments from interested parties regarding Since Hardware's separate rate status. In these final results of review, we continue to find the evidence placed on the record by Since Hardware demonstrates an absence of government control, both in law and in fact, with respect to Since Hardware's exports of the merchandise under review. Thus, we have determined that Since Hardware is eligible to receive a separate rate.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made the following changes in our margin calculations:

• We included defective hand trucks as part of the total production volume. *See* comment 2 of the decision memorandum.

oWe valued the "rubber wheel" input using Indian import statistics from harmonized tariff schedule (HTS) 8716.90.90. *See* comment 3 of the decision memorandum.

• We used the financial statement of Rexello Castors Private Limited in combination with that of Godrej & Boyce Manufacturing Co., Ltd., to calculate ratios for selling, general and administrative expenses, overhead, and profit. *See* comment 4 of the decision memorandum.

• We valued the "zinc–galvanized cold–rolled plate" input using HTS 7216.91.61, rather than HTS 7216.91.00. *See* comment 5 of the decision memorandum.

Final Results of Review

The Department has determined that the following margin exists for the period December 1, 2007, through November 30, 2008:

Exporter/Manufacturer	Weighted–Average Margin (Percentage)
Since Hardware (Guangzhou) Co. Ltd.	119.98

Assessment Rates

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) fifteen days after publication of these final results of administrative review. In calculating importer–specific assessment rates, we divided the total dumping margins (calculated as the difference between normal value and export price) for each of Since Hardware's importers or customers by the total number of units the exporter sold to that importer or customer. We will direct CBP to assess the resulting per–unit dollar amount against each unit of merchandise in each of that importer's/customer's entries during the POR.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) for Since Hardware the cash deposit rate will be 119.98 percent; (2) for previously investigated or reviewed PRC and non–PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter–specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC–wide rate of 383.60 percent; and (4) for all non–PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non–PRC exporter. These cash deposit requirements will remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: May 18, 2010.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

Comment 1. Bank fees incurred on U.S. sales.

Comment 2. Whether to include defective hand trucks as part of production volume.

Comment 3. How to value the input "rubber wheel."

Comment 4. What financial statement to use for calculating financial ratios.

Comment 5. How to value the input "zinc galvanized cold–rolled plate."

Comment 6. Whether to use Indian import statistics denominated in U.S. dollars.

Comment 7. Whether to adjust the surrogate value for domestic inland freight to account for shipment volumes.

[FR Doc. 2010–12565 Filed 5–24–10; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet June 8, 2010, 9 a.m., Room 4830, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the Public.
3. Opening remarks by Bureau of Industry and Security.
4. Export Enforcement update.
5. Regulations update.
6. Working group reports.
7. Automated Export System (AES) update.

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than June 1, 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 March 11, 2010, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 §§ (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 §§ 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: May 20, 2010.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2010–12517 Filed 5–24–10; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XW60

Marine Mammals; File No. 13599

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that the National Ocean Service Marine Forensic Lab (NOS Lab, Julie Carter, Principal Investigator), 219 Fort Johnson Road, Charleston, SC 29412, has applied for an amendment to Scientific Research Permit No. 13599.

DATES: Written, telefaxed, or e-mail comments must be received on or before June 24, 2010.

ADDRESSES: Documents associated with this amendment request are available upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and

Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Kate Swails, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 13599 is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 13599, issued on December 16, 2008 (73 FR 78724), authorizes the permit holder to receive, import, export, transfer, archive, and conduct analyses of marine mammal and endangered species parts. Species include all cetaceans, pinnipeds (except for walrus), sea turtles (in the water), smalltooth sawfish (*Pristis pectinata*), shortnose sturgeon (*Acipenser brevirostrum*) and white abalone (*Haliotis sorenseni*).

The permit holder is requesting the permit be amended to include additional species under NMFS jurisdiction including Chinook (*Oncorhynchus tshawytscha*), chum (*Oncorhynchus keta*), coho (*Oncorhynchus kisutch*) and sockeye (*Oncorhynchus nerka*) salmon, steelhead trout (*Oncorhynchus mykiss*), green (*Acipenser medirostris*) and Gulf (*Acipenser oxyrinchus desotoi*) sturgeon, totoaba (*Totoaba macdonaldi*), and black abalone (*Haliotis cracherodii*).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: May 19, 2010.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010–12561 Filed 5–24–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Response to Comments on the Second Round of Nominated Sites to the National System of MPAs

AGENCY: NOAA, Department of Commerce (DOC).

ACTION: Notice of updates to the List of National System Marine Protected Areas (MPAs) and response to comments on nominations of existing MPAs to the national system.

SUMMARY: NOAA and the Department of the Interior (DOI) invited federal, state, commonwealth, and territorial MPA programs with potentially eligible existing MPAs to nominate their sites to the national system of MPAs (national system). This was the second round of nominations, following the nomination of 225 sites in the initial round of nominations, completed in April 2009. For the second round, a total of 32 nominations were received. Following a 45-day public review period, 114 public comments were received by the National Marine Protected Areas Center (MPA Center) and forwarded to the relevant managing agencies. After review of the public comments, managing agencies were asked to make a final determination of sites to nominate to the national system. All the nominations were confirmed by the managing agencies. Finding them to be eligible for the national system, the MPA Center has accepted the nominations for 29 sites and placed them on the List of National System MPAs.

The national system and the nomination process are described in the *Framework for the National System of Marine Protected Areas of the United States of America* (Framework), developed in response to Executive Order 13158 on Marine Protected Areas. The final Framework was published on November 19, 2008, and provides guidance for collaborative efforts among federal, state, commonwealth, territorial, tribal and local governments and stakeholders to develop an effective and well coordinated national system that includes existing MPAs meeting national system criteria as well as new sites that may be established by managing agencies to fill key conservation gaps in important ocean areas.

FOR FURTHER INFORMATION CONTACT: Lauren Wenzel, NOAA, at 301–713–3100, ext. 136 or via e-mail at *mpa.comments@noaa.gov.* A detailed electronic copy of the List of National System MPAs is available for download at *http://www.mpa.gov.*

SUPPLEMENTARY INFORMATION:

Background on National System

The national system of MPAs is made up of member MPA sites, networks and systems established and managed by federal, state, commonwealth, territorial, tribal and/or local governments that collectively enhance conservation of the nation's natural and cultural marine heritage and represent its diverse ecosystems and resources. Although participating sites continue to be managed independently, national system MPAs also work together at the regional and national levels to achieve common objectives for conserving the nation's important natural and cultural resources, with emphasis on achieving the priority conservation objectives of the Framework. MPAs include sites with a wide range of protection, from multiple use areas to no take reserves where all extractive uses are prohibited. The term MPA refers only to the marine portion of a site (below the mean high tide mark) that may include both terrestrial and marine components.

The national system is a mechanism to foster greater collaboration among participating MPA sites and programs in order to enhance stewardship in the waters of the United States.

The act of joining the national system does not create new MPAs, or create new restrictions for the existing MPAs that become members. In fact, a site must have existing protections of natural and/or cultural resources in place in order to be eligible to join the national system, as well as meet other criteria described in the Framework. However, joining the national system does not establish new regulatory authority or change existing regulations in any way, nor does it require changes affecting the designation process or management of member MPAs. Nor does it bring state, territorial, tribal or local sites under federal authority.

Benefits of joining the national system, which are expected to increase over time as the system matures, include a facilitated means to work with other sites in the MPA's region, and nationally on issues of common conservation concern; fostering greater public and international recognition of U.S. MPAs and the resources they protect; priority in the receipt of available technical and other support for cross-cutting needs; and the opportunity to influence federal and regional ocean conservation and management initiatives (such as Coastal and Marine Spatial Planning, integrated ocean observing systems, systematic monitoring and evaluation, targeted outreach to key user groups, and helping to identify and address MPA research needs). In addition, the national system provides a forum for coordinated regional planning about place-based conservation priorities that does not otherwise exist.

Nomination Process

The Framework describes two major focal areas for building the national system of MPAs—a nomination process to allow existing MPAs that meet the entry criteria to become part of the system and a collaborative regional gap analysis process to identify areas of significance for natural or cultural resources that may merit additional protection through existing federal, state, commonwealth, territorial, tribal or local MPA authorities. The second round of nominations for the national system began on August 6, 2009, when the MPA Center sent a letter to federal, state, commonwealth, and territorial MPA programs inviting them to submit nominations of eligible MPAs to the national system. The deadline for nominations was November 20, 2009. A public comment period was held from December 23, 2009 through February 22, 2010.

There are three entry criteria for existing MPAs to join the national system, plus a fourth for cultural heritage. Sites that meet all pertinent criteria are eligible for the national system.

1. Meets the definition of an MPA as defined in the Framework.

2. Has a management plan (can be site-specific or part of a broader programmatic management plan; must have goals and objectives and call for monitoring or evaluation of those goals and objectives).

3. Contributes to at least one priority conservation objective as listed in the Framework (see below).

4. Cultural heritage MPAs must also conform to criteria for the National Register for Historic Places.

Additional sites not currently meeting the management plan criterion can be evaluated for eligibility to be nominated to the system on a case-by-case basis based on their ability to fill gaps in the national system coverage of the priority conservation objectives and design principles described in the Framework.

The MPA Center used existing information in the MPA Inventory to determine which MPAs meet the first and second criteria. The inventory is online at *http://www.mpa.gov/helpful_resources/inventory.html,* and potentially eligible sites are posted online at *http://mpa.gov/pdf/national-system/allsitesumsheet120408.pdf.* As part of the nomination process, the managing entity for each potentially eligible site is asked to provide information on the third and fourth criteria.

Updates to List of National System MPAs

The following MPAs have been nominated by their managing programs to join the national system of MPAs. Two nominated MPAs, Acadia National Park and Apostle Islands National Lakeshore have requested additional time to consult with stakeholders and tribal governments and are not included in this round of nominations. An additional MPA, the Queen Anne's Revenge Shipwreck site, has withdrawn from the nomination process. The complete List of National System MPAs, which now includes 254 members, is available at *http://www.mpa.gov.*

Federal Marine Protected Areas

National Parks

Buck Island Reef National Monument
Cabrillo National Monument
Canaveral National Seashore
Cape Cod National Seashore
Cape Hatteras National Seashore
Cape Lookout National Seashore
Fire Island National Seashore
Gateway National Recreation Area
Golden Gate National Recreation Area
Indiana Dunes National Lakeshore
Jean Lafitte National Historical Park and Preserve
Kalaupapa National Historical Park
Kaloko-Honokahau National Historical Park
National Park of American Samoa
Olympic National Park
Pictured Rocks National Lakeshore
Salt River Bay National Historical Park and Ecological Preserve
San Juan Islands National Historical Park
Sleeping Bear Dunes National Lakeshore

National Wildlife Refuges

Blackbeard Island National Wildlife Refuge
Harris Neck National Wildlife Refuge
Merritt Island National Wildlife Refuge
Pickney Island National Wildlife Refuge
Tybee National Wildlife Refuge
Wassaw National Wildlife Refuge
Wolf National Wildlife Refuge

Partnership Marine Protected Areas

Jobos Bay National Estuarine Research Reserve (Puerto Rico)

State Marine Protected Areas

Virgin Islands

East End Marine Park

Washington

San Juan County/Cypress Island Marine Biological Preserve

Response to Public Comments

On January 7, 2010, NOAA and DOI (agencies) published the Nomination of Existing Marine Protected Areas (MPAs) to the National System of Marine Protected Areas for public comment, for the nomination of 32 existing MPAs. By the end of the 45-day comment period, 114 individual submissions had been received from a variety of state and tribal government agencies, non-governmental organizations, industry and conservation interests, advisory groups and the public. Given the breadth and multi-faceted nature of comments and recommendations received, related comments have been grouped below into categories to simplify responses. For each of the comment categories listed below, a summary of comments is provided, and a corresponding response provides an explanation and rationale about changes that were or were not made in the official List of National System Marine Protected Areas (MPAs) for this second round of nominated sites.

Comment Category 1: Purpose and Scope of National System
Comment Category 2: Concerns with Restrictions on Use, Access and Associated Economic and Cultural Impacts
Comment Category 3: Concerns about Designating an Area as an MPA
Comment Category 4: Benefits of Joining the National System
Comment Category 5: Support for Nomination of Specific Sites to National System
Comment Category 6: Nominating Additional Sites
Comment Category 7: Questioning Eligibility of Specific Sites for the National System, the Definition of "Marine" and the Mean High Tide Mark
Comment Category 8: Gap Analysis
Comment Category 9: Stakeholder Engagement
Comment Category 10: Tribal Issues

Comments and Responses

Comment Category 1: Purpose and Scope of National System

A few comments called for more clarity about the purpose and vision of the national system. One respondent asked if the national system of MPAs could assist in specific local coastal issues (*e.g.,* coastal erosion).

Response:

The purpose of the national system is to support the effective stewardship, conservation, restoration, sustainable use, and public understanding and appreciation of the nation's significant natural and cultural marine resources. The national system works across all levels of government to address problems that extend beyond the boundaries of a single MPA. Decisions

about national system priorities consider the interests of and implications for all who use, benefit from, and care about our marine environment.

While the national system is concerned with local coastal and ocean issues, due to the national scope of the system and limited resources, the national system does not focus on issues particular to one site but rather focuses on strengthening and coordinating MPAs and MPA programs.

The purpose and scope of the national system, and plans for its implementation were developed with extensive stakeholder engagement from 2004 through 2008. During this period, the *Framework for the National System of Marine Protected Areas of the United States of America* (Framework) was developed. Three separate public comment periods on the document were held and announced in the **Federal Register** and through other means. In addition, the National Marine Protected Areas Center (MPA Center) held numerous meetings with stakeholders to obtain input on the Framework, and worked closely with the Marine Protected Areas Federal Advisory Committee (MPA FAC) in open meetings on key concepts that were incorporated into the document. The final Framework document was published in November 2008.

Comment Category 2: Concerns with Restrictions on Use, Access, and Associated Economic and Cultural Impacts

Summary:

Most comments expressed concerns that the inclusion of a site in the national system will limit access to an area, and in particular will impose additional restrictions on recreational fishing or boating, commercial fishing or coastal industry. Several other comments expressed concern that the inclusion of a site in the national system would adversely affect the economic or cultural well being of local communities.

Response:

As noted above, the purpose of the national system is to coordinate MPA agencies to support the conservation and management of marine resources. It is not intended to, nor does it have the authority to, impose new restrictions on access or use. Under Executive Order 13158, "this national system framework and the work of the MPA Center is intended to support, not interfere with, agencies' independent exercise of their own existing authorities."

MPAs will continue to be established, managed, regulated and revised under each site's existing federal, state, commonwealth, territorial, tribal or local authorities and their associated legal processes. Decisions about restrictions on access and use of an MPA will continue to be made by its managing agency in accordance with the authority under which the MPA was created and the goals and objectives of the MPA. Two hundred and twenty five existing MPAs, approximately half federal and half state sites, joined the National System in early 2009 and none have revised their regulations as a result of this action.

The inclusion of an MPA into the national system in no way "federalizes" any state or local areas included within the system. Further, the inclusion of a site in the national system of MPAs will have no adverse impact on the economic or cultural aspects of a specific locale. However, it does serve to highlight the importance of that site's natural and cultural resources which contribute greatly to state and local cultural heritage and economic values. By contributing to the priority conservation objectives in the Framework, each site receives recognition for sustaining the natural and cultural resources on which local communities and the nation depend for recreational opportunities, their livelihood and their cultural heritage.

Several comments cited data from the MPA Inventory on restrictions on commercial and/or recreational fishing, believing these to be newly proposed regulations as part of the nomination process to the national system. This is not the case. The MPA Inventory summarizes existing characteristics of U.S. MPAs, including *existing* regulations on fishing, public access, and other uses or activities. This information in the Inventory does not indicate that additional restrictions are being proposed for any site nominated to the national system.

Comment Category 3: Concerns about Designating an Area as an MPA

Summary:

Many comments were concerned that inclusion in the national system of MPAs would designate a particular site as an MPA.

Response:

A site must *already* meet the definition of an MPA as defined by the *Framework for the National System of Marine Protected Areas of the United States of America* in order to be nominated to the national system. Many commenters appeared to assume that the term "MPA" refers to a fully protected marine reserve or highly restricted site. In fact, an MPA is defined by Executive Order 13158 as "*Any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein*." Most MPAs in the United States allow multiple uses such as recreational and commercial fishing. Inclusion in the national system does not change how the site's resources are managed or uses are regulated, including regulation of fishing.

Comment Category 4: Benefits of Joining the National System

Summary:

Several comments noted that while inclusion of a site does not impose additional restrictions, they saw no benefit to joining the national system either.

Response:

The national system provides benefits to the nation, to participating MPAs, and to ocean stakeholders. Benefits to joining the national system include, among others:

- Enhancing stewardship through better coordination on regional and national scales, improved public awareness, and enhanced site management capacity;
- Building partnerships for MPAs to work together toward common conservation objectives;
- Increasing support for marine conservation through the recognition provided by the national system;
- Priority access to resources available for capacity building and stewardship improvements;
- Protecting representative ecosystems and resources from all the nation's ecosystem and habitat types; and
- Providing a transparent process for future MPA planning that is science-based and includes a commitment to balanced stakeholder involvement.

These benefits will enhance conservation and values of resources in MPAs over time as implementation of the national system moves forward.

Comment Category 5: Support for Nomination of Specific Sites to National System

Summary:

Several comments supported the nomination of specific sites to the national system. They noted the significant ecological and cultural value of the areas, and added that the participation of these sites in the national system will lead to a strengthening of their conservation efforts, as well as enhancing the national system.

Response:

These comments support the goals of Executive Order 13158, which directs NOAA, DOI and other federal agencies

to sustain the ecological, cultural and economic values of the nation's ocean and Great Lakes resources, by establishing the national system. Managing agencies are responsible for nominating their individual sites. Comments that support the nominations of sites to the national system were forwarded to the appropriate managing agencies.

Comment Category 6: Nominating Additional Sites

Summary:

One comment recommended additional National Parks to be included in the third round of nominations to the national system of MPAs.

Response:

Sites must be nominated by the site's managing agency. This comment was forwarded to the National Park Service for their consideration in subsequent nomination phases.

Comment Category 7: Questioning Eligibility of Specific Sites for the National System, the Definition of "Marine" and the Mean High Tide Mark

Summary:

Several comments questioned the eligibility of sites for inclusion in the national system. Some eligibility concerns included whether or not sites met the definition of "marine" and whether a site should be included in the national system if the area's boundary extends only to the mean low water mark. One comment noted the importance of terrestrial habitats to marine species, such as turtles and wading birds, and asked that the definition of "marine" be revised to more adequately protect these species.

Response:

According to the *Framework for the National System of Marine Protected Areas of the United States of America* (Framework), a site is eligible for inclusion in the national system if the site: (1) Meets the definition of an MPA as defined in the Framework; (2) has a management plan (can be site-specific or part of a broader programmatic management plan); (3) contributes to at least one priority conservation objective as listed in the Framework; and (4) meets additional criteria for cultural heritage MPAs (conforming to criteria for the National Register for Historic Places).

Only the "marine" portion of a site is eligible for inclusion in the national system. According to the Framework, to be marine, a site "must be: (a) Ocean or coastal waters (coastal waters may include intertidal areas, bays or estuaries); (b) an area of the Great Lakes or their connecting waters; (c) an area of submerged lands under ocean or coastal waters or the Great Lakes or their connecting waters; or (d) a combination of the above. The term "intertidal" is understood to mean the shore zone between the mean low water and mean high water marks. An MPA may be a marine component part of a larger site that includes uplands. However, the terrestrial portion is not considered an MPA."

NOAA and DOI recognize the critical importance of areas above the high tide mark to marine species, resources, and ecosystem processes. Examples of such areas include turtle nesting beaches and seabird rookeries. The agencies have requested the Marine Protected Areas Federal Advisory Committee to develop recommendations about how to address this issue during their 2010–2011 sessions.

All sites nominated to the national system have geographic information system (GIS) boundaries available to the public through the MPA Inventory on the *http://www.mpa.gov* Web site. In addition, the MPA Center has recently developed an interactive MPA mapping tool on the above Web site to make MPA boundary information easily viewable by the general public without GIS expertise.

Comment Category 8: Gap Analysis

Summary:

One comment noted support for the planned MPA gap analysis process to identify marine areas in need of greater protection.

Response:

The regional gap analysis process described in the Framework will identify areas in the marine environment that contribute to the priority conservation objectives of the national system, including resources currently represented in marine protected areas. This process will complement the nominations of existing sites to the National System of MPAs by providing information on resources currently under management by MPA management agencies, as well as areas that may be in need of additional protection. NOAA and DOI are currently developing plans for the gap analysis process that will also support emerging information needs for Coastal and Marine Spatial Planning activities.

Comment Category 9: Stakeholder Engagement

Summary:

Some comments were concerned that the stakeholder process did not provide enough information and time to allow for informed response to nominations.

Response:

NOAA and DOI are committed to stakeholder engagement as an essential component of the national system. The MPA Center continues to work with and solicit input from federal, state, commonwealth, territorial, tribal, and local government partners, Fishery Management Councils, Advisory Committees, stakeholder groups, and the general public about their perspectives on the national system. The Center has limited resources that cannot support extensive stakeholder consultation at the local and regional levels, but is working with its partners and the managing agencies to reach out to local communities to address questions and uncertainties they may have related to the national system. The majority of comments opposed to the proposed nominations relate to concerns about potential restrictions on fishing or prohibitions on access to marine areas, and possible impacts from such restrictions. The MPA Center will continue to clarify for the public and local communities that nomination to the national system does not impose additional restrictions or propose additional regulatory authority to restrict uses of marine resources.

The national system nomination process is transparent. All nominated sites were published in the **Federal Register**, and the general public was invited to provide public comment on all sites nominated for inclusion in the national system in a 45-day public comment period. In addition, the MPA Center used the mpa.gov web site, newsletters, listserves, and other communication mechanisms to ensure the widest possible outreach to the public. The MPA Center then forwarded all public comment to the MPA managing entity. Because no comment asked for an extension of the comment period, we believe the 45-day comment period provided adequate time to gather more information.

Comment Category 10: Tribal Issues

Summary: Two comments focused on the need to ensure that the inclusion of MPAs in the national system does not infringe upon Tribal treaty rights. One comment noted that the Tribe supported the nomination of a local MPA with the recognition that the Tribe will continue to rely upon its usual and accustomed areas within the MPA for economic and subsistence activities. Another comment requested a formal government to government consultation on the nomination of the Apostle Islands National Lakeshore. This nomination is not included in the current round in order to provide additional time for the requested tribal consultation.

Response:

Executive Order 13158 states that "This order does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian

tribes." NOAA and DOI are committed to consultations with tribes as part of the national system development process.

Addendum: From "Framework for the National System of Marine Protected Areas of the United States" National System Goals and Priority Conservation Objectives

Goal 1: For Natural Heritage Marine Resources—Advance comprehensive conservation and management of the nation's biological communities, habitats, ecosystems, and processes and the ecological services, uses, and values they provide to present and future generations through ecosystem-based MPA approaches.

Priority Conservation Objectives for Goal 1—Conserve and manage:

- Key reproduction areas and nursery grounds
- Key biogenic habitats
- Areas of high species and/or habitat diversity
- Ecologically important geological features and enduring/recurring oceanographic features
- Critical habitat of threatened and endangered species
- Unique or rare species, habitats and associated communities
- Key areas for migratory species
- Linked areas important to life histories
- Key areas that provide compatible opportunities for education and research

Goal 2: For Cultural Heritage Marine Resources—Advance comprehensive conservation and management of cultural resources that reflect the nation's maritime history and traditional cultural connections to the sea, as well as the uses and values they provide to present and future generations through ecosystem-based MPA approaches.

Priority Conservation Objectives for Goal 2—Conserve and manage:

- Key cultural and historic resources listed on the National Register of Historic Places (NRHP)
- Key cultural and historic resources determined eligible for the NRHP or listed on a State Register
- Key cultural sites that are paramount to a culture's identity and/or survival
- Key cultural and historic sites that may be threatened
- Key cultural and historic sites that can be utilized for heritage tourism
- Key cultural and historic sites that are underrepresented

Goal 3: For Sustainable Production Marine Resources—Advance comprehensive conservation and management of the nation's renewable living resources and their habitats (including, but not limited to, spawning, mating, and nursery grounds and areas established to minimize bycatch of species) and the social, cultural, and economic values and services they provide to present and future generations through ecosystem-based MPA approaches.

Priority Conservation Objectives for Goal 3—Conserve and manage:

- Key reproduction areas, including larval sources and nursery grounds
- Key areas that sustain or restore high-priority fishing grounds
- Key areas for maintaining natural age/sex structure of important harvestable species
- Key foraging grounds
- Key areas that mitigate the impacts of bycatch
- Key areas that provide compatible opportunities for education and research

Dated: May 17, 2010.

Donna Wieting,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 2010–12452 Filed 5–24–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2010–0046]

Streamlined Procedure for Appeal Brief Review in Ex Parte Reexamination Proceedings

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) is streamlining the procedure for the review of appeal briefs in *ex parte* reexamination proceeding appeals to increase the efficiency of the appeal process and reduce pendency of appeals. The Chief Judge of the Board of Patent Appeals and Interferences (BPAI) or his designee (collectively, "Chief Judge"), will have the sole responsibility for determining whether appeal briefs filed in *ex parte* reexamination proceeding appeals comply with the applicable regulations, and will complete the determination before the appeal brief is forwarded to the examiner for consideration. The examiner will no longer review appeal briefs for compliance with the applicable regulations. The USPTO expects to achieve a reduction in *ex parte* reexamination proceeding appeal pendency as measured from the filing of a notice of appeal to docketing of the appeal by eliminating duplicate reviews by the examiner and the BPAI. We are expecting further reduction in pendency because the streamlined procedure will increase consistency in the determination, and thereby reduce the number of notices of noncompliant appeal brief and non-substantive returns from the BPAI that require appellants to file corrected appeal briefs in *ex parte* reexamination proceeding appeals.

DATES: *Effective Date:* The procedures set forth in this notice are effective on May 25, 2010.

Applicability Date: The appeal brief review procedure set forth in this notice is applicable to appeal briefs filed in *ex parte* reexamination proceedings on or after May 25, 2010.

FOR FURTHER INFORMATION CONTACT: Krista Zele, Case Management Administrator, Board of Patent Appeals and Interferences, by telephone at (571) 272–9797 or by electronic mail at: *BPAI.Review@uspto.gov.*

SUPPLEMENTARY INFORMATION: Under the streamlined procedure for appeal brief review, upon the filing of an appeal brief in *ex parte* reexamination proceeding appeals, the Chief Judge will review the appeal brief to determine whether the appeal brief complies with 37 CFR 41.37 before it is forwarded to the Central Reexamination Unit or other Technology Center examiner for consideration. The Chief Judge will endeavor to complete this determination within one month from the filing of the appeal brief. To assist regular *ex parte* appeal appellants in complying with 37 CFR 41.37, the BPAI has previously posted checklists for notices of appeal and appeal briefs and a list of eight reasons *ex parte* appeal briefs have been held to be noncompliant, on the USPTO Web site at: [*http://www.uspto.gov/ip/boards/bpai/procedures/guidance_noncompliant_briefs.jsp*]. If the appeal brief is determined to be compliant with 37 CFR 41.37, the Chief Judge will accept the appeal brief and forward it to the examiner for consideration. If the Chief Judge determines that the appeal brief is not compliant with 37 CFR 41.37 and sends appellant a notice of noncompliant brief requiring a corrected brief, appellant will be required to file a corrected brief within the time period set forth in the notice to avoid the dismissal of the appeal. *See* 37 CFR 41.37(d). The Chief Judge will also have the sole responsibility for determining whether corrected briefs comply with 37 CFR 41.37, and will address any inquiries and petitions regarding notices of noncompliant briefs.

The Chief Judge's responsibility for determining whether appeal briefs comply with 37 CFR 41.37 is not considered a transfer of jurisdiction when an appeal brief is filed, but rather is only a transfer of the specific responsibility of notifying appellant under 37 CFR 41.37(d) of the reasons for non-compliance. The Patent Examining Corps retains the jurisdiction over the *ex parte* reexamination proceeding to consider the appeal brief, conduct an appeal conference, draft an examiner's answer, and decide the entry of amendments, evidence, and information

disclosure statements filed after the final rejection or after the filing of a notice of appeal. Furthermore, petitions concerning the refusal to enter amendments and/or evidence remain delegated to the Patent Examining Corps as provided in the Manual of Patent Examining Procedure (MPEP) 1002.02(b) and (c).

Once the Chief Judge accepts the appeal brief as compliant, an examiner's answer will be provided in the *ex parte* reexamination proceeding if the examiner determines that the appeal should be maintained. The examiner will treat all pending, rejected claims as being on appeal. If the notice of appeal or appeal brief identifies fewer than all of the rejected claims as being appealed, the issue will be addressed by the BPAI panel. The jurisdiction of the *ex parte* reexamination proceeding will be transferred to the BPAI when a docketing notice is entered after the time period for filing a reply brief expires or the examiner acknowledges the receipt and entry of the reply brief. After taking jurisdiction, the BPAI will not return or remand the *ex parte* reexamination proceeding to the Patent Examining Corps for issues related to a noncompliant appeal brief.

This notice does not apply to *inter partes* reexamination proceedings. The Office is considering a streamlined procedure for review of briefs filed in *inter partes* reexamination proceedings, in which the Chief Judge will also have the sole responsibility for determining whether briefs filed in *inter partes* reexamination proceedings comply with 37 CFR 41.37, 41.67, 41.68, and 41.71.

Dated: May 18, 2010.

David J. Kappos,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2010–12534 Filed 5–24–10; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Base Closure and Realignment

AGENCY: Office of Economic Adjustment, DoD.

ACTION: Notice.

SUMMARY: This notice is provided pursuant to section 2905(b)(7)(B)(ii) of the Defense Base Closure and Realignment Act of 1990. It provides a partial list of military installations closing or realigning pursuant to the 2005 Base Closure and Realignment (BRAC) Report. It also provides a corresponding listing of the Local Redevelopment Authorities (LRA) for the Air Force Research Laboratory, Arizona, and portions of the Newport Naval Complex, Rhode Island, recognized by the Secretary of Defense, acting through the Department of Defense, Office of Economic Adjustment (OEA), as well as the point of contact, address, and telephone number for the LRA for each installation. Representatives of State and local governments, homeless providers, and other parties interested in the redevelopment of the installation should contact the person or organization listed. The following information will also be published simultaneously in a newspaper of general circulation in the area of the installation.

DATES: Effective May 25, 2010.

FOR FURTHER INFORMATION CONTACT: Director, Office of Economic Adjustment, Office of the Secretary of Defense, 400 Army Navy Drive, Suite 200, Arlington, VA 22202–4704, (703) 604–6020.

Local Redevelopment Authority (LRA)

Arizona

Installation Name: Air Force Research Laboratory.

LRA Name: City of Mesa.

Point of Contact: Patrick Murphy, Project Manager, City of Mesa Economic Development.

Address: 20 E. Main Street, Suite 200, P.O. Box 1466, Mesa, AZ 85211–1466.

Phone: (480) 644–3964.

E-mail address: patrick.murphy@mesaaz.gov.

Rhode Island

Installation Name: Newport Naval Complex.

LRA Name: Aquidneck Island Reuse Planning Authority (AIRPA).

Point of Contact: Tina Dolen, Executive Director, Aquidneck Island Reuse Planning Authority.

Address: 437 Broadway, Newport, RI 02840–1739.

Phone: (401) 845–9299.

E-mail Address: tina@acquidneckplanning.org.

Dated: May 20, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–12521 Filed 5–24–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Federal Advisory Committee; Department of Defense Wage Committee; Closed Meeting

AGENCY: Civilian Personnel Management Service (Wage and Salary Division), DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, DoD announces the Department of Defense Wage Committee will meet in closed session on June 1, 2010, in Rosslyn, Virginia.

DATES: The meeting will be held on June 1, 2010, at 10 a.m.

ADDRESSES: The meeting will be held at 1400 Key Boulevard, Level A, Room A101, Rosslyn, Virginia 22209–5144.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Jerabek, Designated Federal Officer for the Department of Defense Wage Committee, 1400 Key Boulevard, Suite A105, Arlington, Virginia 22209–5144, Telephone: (703) 696–1735, Fax: (703) 696–5472, E-mail: *craig.jerabek@cpms.osd.mil.*

SUPPLEMENTARY INFORMATION: Under the provisions of section 10(d) of the Federal Advisory Committee Act of 1972, Public Law 92–463, it is hereby determined that every Wage Committee meeting concerns matters listed in 5 U.S.C. 552b(c)(2) and 5 U.S.C. 552b(c)(4), and that, accordingly, the meeting will be closed to the public.

Purpose of Meeting

The Committee will receive, review, and consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived there from.

Request for Waiver

Due to unforeseen difficulties, the Designated Federal Officer was unable to process the **Federal Register** notice for the June 1, 2010, meeting of the Department of Defense Wage Committee, as required by 41 CFR 102–3.150(a). Accordingly, the Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Dated: May 20, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2010–12522 Filed 5–24–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearings of the Draft Environmental Impact Statement for Basing the U.S. Marine Corps Joint Strike Fighter F–35B on the West Coast

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969, and regulations implemented by the Council on Environmental Quality (40 Code of Federal Regulations [CFR] parts 1500–1508), Department of Navy (DoN) NEPA regulations (32 CFR part 775), and U.S. Marine Corps (USMC) NEPA directives (Marine Corps Order P5090.2A, changes 1 and 2), DoN has prepared and filed with the U.S. Environmental Protection Agency (EPA) a Draft Environmental Impact Statement (EIS) that evaluates the potential environmental consequences that may result from the basing of the F–35B Joint Strike Fighter (JSF) on the West Coast of the United States.

With the filing of the Draft EIS, DoN is initiating a 46-day public comment period and has scheduled two public comment meetings to receive oral and written comments on the Draft EIS. Federal, State and local agencies, and interested parties are encouraged to provide comments in person at any of the public comment meetings, or in writing anytime during the public comment period. This notice announces the date and location of the public meetings and provides supplementary information about the environmental planning effort.

DATES: The Draft EIS public review period will begin May 21, 2010, and end on July 6, 2010. Each of the two public meetings will be conducted as an informational open house. Individuals will have the opportunity to review the information presented in the Draft EIS. Marine Corps and Navy representatives will be available to clarify information related to the Draft EIS. Public comment meetings will be held:

(1) June 15, 2010, 5 p.m. to 8 p.m., at Scripps-Miramar Ranch Library Miramar, 10301 Scripps Lake Drive, San Diego, CA.

(2) June 17, 2010, 4 p.m. to 7 p.m., at Gila Vista Junior High School, 2245 S. Arizona Ave., Yuma, AZ.

Attendees will be able to submit written comments at the public meetings. A stenographer will be present to transcribe oral comments; however, to ensure the accuracy of the record, all statements should be submitted in writing. Equal weight will be given to oral and written statements. All statements, oral transcription and written, submitted during the public review period will become part of the public record on the Draft EIS and will be responded to in the Final EIS. Comments may also be submitted by regular U.S. mail or electronically as described below.

ADDRESSES: A copy of the Draft EIS is available at the project Web site, *http://www.usmcjsfwest.com,* and at the local libraries identified at the end of this notice. Comments on the Draft EIS can be submitted via the project Web site, or submitted in writing to: Naval Facilities Engineering Command Southwest, Attn: JSF EIS Project Manager, 1220 Pacific Highway, San Diego, California 92132–5190. Mailed comments must be postmarked by July 6, 2010, and electronic comments must be submitted on or before July 6, 2010, to be considered in this environmental review process.

FOR FURTHER INFORMATION CONTACT: Ms. Adrianne Saboya, Environmental Planner, Central Integrated Product Team at telephone: 619–532–4742, by fax: 619–532–4160 or write to Naval Facilities Engineering Command Southwest, Attn: Ms. Adrianne Saboya, 1220 Pacific Highway, San Diego, California 92132–5190.

SUPPLEMENTARY INFORMATION: A Notice of Intent (NOI) for the EIS was published in the **Federal Register** on January 19, 2009 (Vol. 74, No. 10, p. 2515).

Proposed Action

The proposed action would base up to 11 operational F–35B squadrons and 1 Operational Test and Evaluation (OT&E) squadron (184 aircraft) on the West Coast, and would replace eight F/A–18 squadrons (126 aircraft) and four AV–8B squadrons (56 aircraft) currently authorized for basing on the West Coast. The proposed action also includes construction and/or renovation of airfield facilities necessary to accommodate and maintain the F–35B squadrons, including construction of an auxiliary landing field on the Barry M. Goldwater Range West in Arizona; changes to personnel in support of basing; and conducting F–35B training and readiness operations in existing airspace and on existing ranges to ensure pilots attain and maintain combat ready status. The eight F/A–18 squadrons to be replaced are currently authorized for basing at Marine Corps Air Station (MCAS) Miramar. The four AV–8B squadrons are based at MCAS Yuma.

Purpose and Need

The purpose of the Proposed Action is to efficiently and effectively maintain combat capability and mission readiness as the Marine Corps faces increased deployments across a spectrum of conflicts, and a corresponding increased difficulty in maintaining an aging legacy aircraft inventory. The need for the proposed action is to replace aging legacy aircraft and integrate the operational and OT&E F–35B squadrons into the existing Marine Corps command and organizational structure. This action would also ensure that the Marine Corps' aircrews benefit from the aircraft's major technological improvements and enhanced training and readiness requirements.

Alternatives Considered in the Draft EIS

The proposed F–35B squadrons would be split between two aviation facilities. Evaluations were made of the following five split-basing alternatives.

- Alternative 1 (Preferred)—Six operational squadrons at MCAS Miramar in San Diego County, California, and five operational squadrons plus one OT&E squadron at MCAS Yuma in southwestern Arizona.
- Alternative 2—Four operational squadrons at MCAS Miramar and seven operational squadrons plus one OT&E squadron at MCAS Yuma.
- Alternative 3—Seven operational squadrons plus one OT&E squadron at MCAS Miramar and four operational squadrons at MCAS Yuma.
- Alternative 4—One operational squadron plus one OT&E squadron at MCAS Miramar and ten operational squadrons at MCAS YUMA.
- Alternative 5—Ten operational squadrons at MCAS Miramar and one operational squadron plus one OT&E squadron at MCAS Yuma.

Under all basing alternatives, MCAS Miramar would lose eight F/A–18 squadrons and MCAS Yuma would lose four AV–8B squadrons. Construction of an auxiliary landing field within the Barry M. Goldwater Range West, as well as operations within the Bob Stump Training Range Complex and Barry M. Goldwater Range East are included as

part of each basing alternative. A sixth alternative, No Action, assumes no aircraft would be replaced, aircraft operations would continue at the current level, and no infrastructure improvements or personnel changes related to basing the F–35B aircraft on the West Coast would occur.

Potential impacts were evaluated in the Draft EIS under all alternatives for the following resources: airfields and airspace; noise; air quality; safety and environmental health; land use; infrastructure and utilities; socioeconomics; community facilities and services; ground traffic and transportation; environmental justice; hazardous materials management; biological resources; topography, geology and soils; water resources; and cultural and traditional resources.

The preferred alternative would result in a reduction of 30 aircraft and 635 military personnel at MCAS Miramar and an increase of 32 aircraft and 491 military personnel at MCAS Yuma. New support facilities at MCAS Miramar would include two new hangars, helipad and apron expansion, wash racks and rinse facilities, a simulator facility, and a runway upgrade. New support facilities at MCAS Yuma would include four new hangars, modifications to an existing hangar, new wash racks, runway upgrades, enlisted quarters and dining facility, a simulator facility, new parking apron, and other minor infrastructure improvements.

Environmental consequences of the proposed action would principally arise from construction; impacts from operation of the F–35B would be relatively minor. The Draft EIS enumerates an array of conservation and construction measures and features of project design and planning that would avoid and minimize most potential impacts. The proposed action would fully comply with regulatory requirements for the protection of environmental resources.

Unavoidable impacts of implementing the preferred alternative include construction impacts on biological resources at MCAS Miramar, especially one threatened (Coastal California Gnatcatcher) and one endangered species (San Diego Fairy Shrimp), and loss of 0.05 acres of vernal pool habitat. Construction of an auxiliary landing field at the Barry M. Goldwater Range West would affect habitat for a species (flat-tailed horned lizard) proposed for listing as threatened. A Biological Assessment has been submitted to the U.S. Fish & Wildlife Service in compliance with Section 7 of the Endangered Species Act.

The other alternatives have similar types and levels of impacts, with the most extensive unavoidable impacts occurring at MCAS Miramar under Alternative 5 (10 operational squadrons at MCAS Miramar, 1 operational and 1 OT&E squadron at MCAS Yuma) related to the loss of an area supporting vernal pool habitat and associated federally listed species.

Schedule

The Notice of Availability publication in the **Federal Register** and local print media starts the 46-day public comment period for the Draft EIS. DoN will consider and respond to all written and electronic comments, including e-mail, submitted as described above in preparing the Final EIS. DoN intends to issue the Final EIS in September 2010, at which time an NOA will be published in the **Federal Register** and local print media. A Record of Decision is expected in December 2010. Copies of the Draft EIS can be found on the project Web site, *http://www.usmcjsfwest.com* or at the following locations:

(1) San Diego County Public Library Fallbrook Branch, 124 S. Mission Road, Fallbrook, CA 92028, telephone: 760–728–2373,

(2) San Diego Public Library Mira Mesa Branch, 8405 New Salem Street, San Diego, CA 92126, telephone: 858–538–8165,

(3) Scripps-Miramar Ranch Library Miramar, 10301 Scripps Lake Drive, San Diego, CA 92131, telephone: 858–538–8158,

(4) Yuma County Library Heritage Branch (Main Library) 350 Third Avenue, Yuma, AZ 85364, telephone: 928–782–1871.

Dated: May 18, 2010.

A.M. Vallandingham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2010–12525 Filed 5–24–10; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Preferred Supplier Program (PSP)

AGENCY: Department of the Navy, DoD.

ACTION: Notice of proposed policy letter.

SUMMARY: The Deputy Assistant Secretary of the Navy, Acquisition and Logistics Management (DASN (A&LM)), is soliciting comments that the Department of the Navy (DON) may use in drafting a policy that will establish a Preferred Supplier Program (PSP). Under the PSP, contractors that have demonstrated exemplary performance, at the corporate level; in the areas of cost, schedule, performance, quality, and business relations would be granted Preferred Supplier Status (PSS). Contractors that achieved PSS would receive more favorable contract terms and conditions in DON contracts. Upon approval of the policy by the Assistant Secretary of the Navy for Research, Development and Acquisition, DON will initiate the pilot phase of the PSP.

DATES: DON invites interested parties from both the public and private sectors to provide comments to be considered in the formulation of the final policy letter. In particular, DON encourages respondents to offer their views as discussed below, in Section D, "Solicitation of Public Comment."

Interested parties should submit comments, in writing, to the address below, on or before July 15, 2010.

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

Federal eRulemaking Portal: http://www.regulations.gov.

E-mail: preferredsupplier@navy.mil.

Facsimile: 703–614–9394.

Mail: DASN (A&LM), ATTN: Clarence Belton, 1000 Navy Pentagon, Room BF992, Washington, DC 20350–1000.

Instructions: Please submit comments only and cite "Proposed DON PSP Policy Letter" in all correspondence. All comments received will be posted, without change or redaction, to *http://www.regulations.gov,* so commenters should not include information that they do not wish to be posted (for example, personal or business-confidential).

FOR FURTHER INFORMATION CONTACT: Clarence Belton, 703–693–4006 or *clarence.belton@navy.mil.*

SUPPLEMENTARY INFORMATION:

A. Background

Companies in the private sector that have implemented PSPs have significantly improved performance. Cash flow, profit, and contract terms and conditions that reduce contractor costs and risk are powerful incentives that can be used to motivate contractors to perform at a high level. DON and its contractors negotiate these key components of the business arrangement contract by contract. As a result of this decentralized and individual approach, DON loses an extremely important opportunity. This policy would establish the PSP to recover that opportunity through the use of favorable contract terms and conditions that would be available to

Preferred Suppliers (*i.e.,* suppliers that have demonstrated exemplary performance, at the corporate level, in the areas of cost, schedule, performance, quality, and business relations).

The proposed policy is now in the conceptual stage. After consideration of the comments, DON may publish a draft proposed policy letter for additional public comments.

C. Proposed Policy Letter Concepts

The general outline of the pilot phase of the PSP, to be established under the proposed policy letter, is set forth below.

DASN (A&LM) shall be responsible for the assessment of contractors under the PSP. DASN (A&LM) will confer PSS at the corporate level, and will not rate individual affiliates or subdivisions of corporations.

DASN (A&LM) shall use the Contractor Performance Assessment Reporting System (CPARS) as the baseline data during the pilot phase of the PSP. In the course of the pilot phase, DON also will identify other sources of data, including information available to Navy program offices and government contract administration organizations that the Department may use to supplement CPARS data in implementing the PSP. The factors that DASN (A&LM) will use to assess contractors during the pilot phase include, at a minimum, the following CPARS areas:

Technical (Quality of Product).

Schedule.

Cost Control.

Management Responsiveness.

Management of Key Personnel.

Utilization of Small Business.

Other CPARS Factors as Appropriate.

DASN (A&LM) shall assess Energy Efficiency for all contractors as an "excellence factor," in addition to the areas above.

During the pilot phase of the PSP, DON will use a 5-star system based upon the 5-color ratings used in CPARS, as follows:

CPARS	PSP
Red	0
Yellow	1
Green	2
Purple	3
Dark Blue	4

DON will use the CPARS conversion table above, based upon CPARS data, and, as appropriate, other sources of information and weighting factors. Contractors must achieve at least a 3-Star rating to be designated as a Preferred Supplier.

If a contractor provides documentation sufficient to establish that it has an Energy Efficiency Program, it will receive an additional star, up to a maximum rating of 5 Stars. A 5-Star rating can only be achieved if the contractor maintains an active Energy Efficiency Program, and otherwise has received a 4-Star rating. Failure to demonstrate an active Energy Efficiency Program will not diminish the contractor's PSP rating.

During each fiscal year, DASN (A&LM) shall reassess and rate the top 25 DON contractors. The top 25 DON contractors will be determined by the value of contract awards for the most recent fiscal year. Other contractors may apply to join the PSP. DASN (A&LM) shall evaluate all applicants currently eligible for assessment in CPARS using the same process as it does to evaluate the top 25 contractors. DASN (A&LM) will establish a 30-day application period that will begin no later than October 1, annually.

In negotiating contracts with Preferred Suppliers, DON contracting officers will be authorized to offer some or all of the following more favorable contract terms and conditions:

- More favorable progress payments.
- Recognition of PSS in the development of profit or fee based upon weighted guidelines.
- Tailored contract reporting requirements.
- Special award fee pools.

PSS shall not be used as a factor or sub-factor in any source selection. However, where the contracting officer has a reasonable belief that a Preferred Supplier may submit a bid or proposal, the solicitation shall contain terms and conditions that will be applicable, after award, only if the successful offeror is a Preferred Supplier.

These special terms and conditions, applicable to contracts with Preferred Suppliers, shall be consistent with the limitations specified in regulations promulgated pursuant to the Federal Acquisition Regulatory System.

D. Solicitation of Public Comment

DON invites interested parties from both the public and private sectors to provide comments for consideration in the formulation of a policy letter establishing the PSP. In particular, DON seeks to better understand how to incentivize contractors, at the corporate level, to achieve sustained superior performance in the areas of cost, schedule, performance, quality, and business relations. Accordingly, DON welcomes feedback regarding the following questions.

1. What clauses are currently being used in government subcontracts, and commercial contracts and subcontracts, to incentivize superior performance, at the corporate level, in the areas of cost, schedule, performance, quality, and business relations?

2. What solicitation provisions, contract clauses, and performance incentives will provide contractors with the greatest motivation to achieve PSS?

3. Energy Efficiency is a critical DON requirement significantly impacting the successful achievement of DON's missions. How should a contractor's use of energy, as it relates to the entire life-cycle of a product—design, manufacture, use, maintenance, and disposal—be considered in the designation of Preferred Suppliers?

4. Is there any other aspect of the proposed PSP on which you wish to comment?

Dated: May 18, 2010.

A.M. Vallandingham,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2010–12524 Filed 5–24–10; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 24, 2010.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or

waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: May 19, 2010.

James Hyler,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services Office of Management.

Office of Postsecondary Education

Type of Review: New.

Title: American Indian Tribally Controlled Colleges and Universities Program

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 31.

Burden Hours: 368.

Abstract: The information is required of institutions of higher education that apply for grants under the Tribally Controlled Colleges and Universities Program authorized under Title III, Part A of the Higher Education Act of 1965, as amended. This information will be used in making funding recommendations.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4301. When you access the information collection, click on "Download Attachments " to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–12578 Filed 5–24–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 26, 2010.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 20, 2010.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Protection and Advocacy for Assistive Technology (PAAT) Program Assurances.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 57.

Burden Hours: 9.

Abstract: This information collection instrument will be used by grantees to request funds to carry out the PAAT program. PAAT is mandated by the Assistive Technology Act of 1998, as amended in 2004 (AT Act), to provide protection and advocacy services to individuals with disabilities for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4306. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–12577 Filed 5–24–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; State Personnel Development Grants (SPDG) Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.323A.

DATES:

Applications Available: May 25, 2010.

Deadline for Transmittal of Applications: July 9, 2010.

Deadline for Intergovernmental Review: September 7, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program, authorized by the Individuals with Disabilities Education Act, as amended (IDEA), is to assist State educational agencies (SEAs) in reforming and improving their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities.

Priority: This priority is from the notice of final priority for this program, published in the **Federal Register** on June 9, 2006 (71 FR 33578).

Absolute Priority: For FY 2010 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: *State Personnel Development Grants Program Priority:*

The Assistant Secretary establishes a priority to assist SEAs in reforming and improving their personnel preparation and professional development systems for teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel. The intent of this priority is to improve educational results for children with disabilities through the delivery of high quality instruction and the recruitment, hiring and retention of highly qualified special education teachers.

In order to meet this priority an applicant must demonstrate that the project for which it seeks funding—(1) Provides professional development activities that improve the knowledge and skills of personnel as defined in section 651(b) of IDEA in delivering scientifically-based instruction to meet the needs of, and improve the performance and achievement of infants, toddlers, preschoolers, and children with disabilities; (2) Implements practices to sustain the knowledge and skills of personnel who have received training in scientifically-based instruction; and (3) Implements strategies that are effective in promoting the recruitment, hiring, and retention of highly qualified special education teachers in accordance with section 602(10) and section 612(a)(14) of IDEA.

Projects funded under this priority must also:

(a) Budget for a three-day Project Directors' meeting in Washington, DC during each year of the project;

(b) Budget $4,000 annually for support of the State Personnel Development Grants Program Web site currently administered by the University of Oregon (*http://www.signetwork.org*); and

(c) If a project receiving assistance under this program authority maintains a Web site, include relevant information and documents in a form that meets a government or industry-recognized standard for accessibility.

Statutory Requirements.

State Personnel Development Plan.

An applicant must submit a State Personnel Development Plan that identifies and addresses the State and local needs for personnel preparation and professional development of personnel, as well as individuals who provide direct supplementary aids and services to children with disabilities, and that—

(a) Is designed to enable the State to meet the requirements of section 612(a)(14) and section 635(a)(8) and (9) of IDEA;

(b) Is based on an assessment of State and local needs that identifies critical aspects and areas in need of improvement related to the preparation, ongoing training, and professional development of personnel who serve infants, toddlers, preschoolers, and children with disabilities within the State, including—

(i) Current and anticipated personnel vacancies and shortages; and

(ii) The number of preservice and inservice programs;

(c) Is integrated and aligned, to the maximum extent possible, with State plans and activities under the Elementary and Secondary Education Act of 1965, as amended (ESEA); the Rehabilitation Act of 1973, as amended; and the Higher Education Act of 1965, as amended (HEA);

(d) Describes a partnership agreement that is in effect for the period of the grant, which agreement must specify—

(i) The nature and extent of the partnership described in accordance with section 652(b) of IDEA and the respective roles of each member of the partnership, including, if applicable, an individual, entity, or agency other than the SEA that has the responsibility under State law for teacher preparation and certification; and

(ii) How the SEA will work with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the persons and organizations;

(e) Describes how the strategies and activities the SEA uses to address identified professional development and personnel needs will be coordinated with activities supported with other public resources (including funds provided under Part B and Part C of IDEA and retained for use at the State level for personnel and professional development purposes) and private resources;

(f) Describes how the SEA will align its personnel development plan with the plan and application submitted under sections 1111 and 2112, respectively, of the ESEA;

(g) Describes strategies the SEA will use to address the identified professional development and personnel needs and how such strategies will be implemented, including—

(i) A description of the programs and activities that will provide personnel with the knowledge and skills to meet the needs of, and improve the performance and achievement of, infants, toddlers, preschoolers, and children with disabilities; and

(ii) How such strategies will be integrated, to the maximum extent possible, with other activities supported by grants funded under section 662 of IDEA;

(h) Provides an assurance that the SEA will provide technical assistance to local educational agencies (LEAs) to improve the quality of professional development available to meet the needs of personnel who serve children with disabilities;

(i) Provides an assurance that the SEA will provide technical assistance to

entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving those children;

(j) Describes how the SEA will recruit and retain highly qualified teachers and other qualified personnel in geographic areas of greatest need;

(k) Describes the steps the SEA will take to ensure that economically disadvantaged and minority children are not taught at higher rates by teachers who are not highly qualified; and

(l) Describes how the SEA will assess, on a regular basis, the extent to which the strategies implemented have been effective in meeting the performance goals described in section 612(a)(15) of IDEA.

Partnerships.

Required Partners.

Applicants must establish a partnership with LEAs and other State agencies involved in, or concerned with, the education of children with disabilities, including—

(a) Not less than one institution of higher education; and

(b) The State agencies responsible for administering Part C of IDEA, early education, child care, and vocational rehabilitation programs.

Other Partners.

An SEA must work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include—

(a) The Governor;

(b) Parents of children with disabilities ages birth through 26;

(c) Parents of nondisabled children ages birth through 26;

(d) Individuals with disabilities;

(e) Parent training and information centers or community parent resource centers funded under sections 671 and 672 of IDEA, respectively;

(f) Community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

(g) Personnel as defined in section 651(b) of IDEA;

(h) The State advisory panel established under Part B of IDEA;

(i) The State interagency coordinating council established under Part C of IDEA;

(j) Individuals knowledgeable about vocational education;

(k) The State agency for higher education;

(l) Noneducational public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice;

(m) Other providers of professional development who work with infants, toddlers, preschoolers, and children with disabilities;

(n) Other individuals; and

(o) An individual, entity, or agency as a partner in accordance with section 652(b)(3) of IDEA, if State law assigns responsibility for teacher preparation and certification to an individual, entity, or agency other than the SEA.

Use of Funds.

(a) *Professional Development Activities*—Consistent with the absolute priority announced in this notice, each SEA that receives a grant under this program must use the grant funds to support activities in accordance with the State's Personnel Development Plan, including one or more of the following:

(1) Carrying out programs that provide support to both special education and regular education teachers of children with disabilities and principals, such as programs that—

(i) Provide teacher mentoring, team teaching, reduced class schedules and case loads, and intensive professional development;

(ii) Use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101 of the ESEA; and

(iii) Encourage collaborative and consultative models of providing early intervention, special education, and related services.

(2) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively use and integrate technology—

(i) Into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

(ii) To enhance learning by children with disabilities; and

(iii) To effectively communicate with parents.

(3) Providing professional development activities that—

(i) Improve the knowledge of special education and regular education teachers concerning—

(A) The academic and developmental or functional needs of students with disabilities; or

(B) Effective instructional strategies, methods, and skills, and the use of State academic content standards and student academic achievement and functional standards, and State assessments, to improve teaching practices and student academic achievement;

(ii) Improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices, that—

(A) Provide training in how to teach and address the needs of children with different learning styles and children who are limited English proficient;

(B) Involve collaborative groups of teachers, administrators, and, in appropriate cases, related services personnel;

(C) Provide training in methods of—

(I) Positive behavioral interventions and supports to improve student behavior in the classroom;

(II) Scientifically based reading instruction, including early literacy instruction;

(III) Early and appropriate interventions to identify and help children with disabilities;

(IV) Effective instruction for children with low-incidence disabilities;

(V) Successful transitioning to postsecondary opportunities; and

(VI) Classroom-based techniques to assist children prior to referral for special education;

(D) Provide training to enable personnel to work with and involve parents in their child's education, including parents of low income and limited English proficient children with disabilities;

(E) Provide training for special education personnel and regular education personnel in planning, developing, and implementing effective and appropriate individualized education programs (IEPs); and

(F) Provide training to meet the needs of students with significant health, mobility, or behavioral needs prior to serving those students;

(iii) Train administrators, principals, and other relevant school personnel in conducting effective IEP meetings; and

(iv) Train early intervention, preschool, and related services providers, and other relevant school personnel in conducting effective individualized family service plan (IFSP) meetings.

(4) Developing and implementing initiatives to promote the recruitment and retention of highly qualified special education teachers, particularly initiatives that have proven effective in recruiting and retaining highly qualified teachers, including programs that provide—

(i) Teacher mentoring from exemplary special education teachers, principals, or superintendents;

(ii) Induction and support for special education teachers during their first three years of employment as teachers; or

(iii) Incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.

(5) Carrying out programs and activities that are designed to improve the quality of personnel who serve children with disabilities, such as—

(i) Innovative professional development programs (which may be provided through partnerships with institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy and that are consistent with the definition of professional development in section 9101 of the ESEA; and

(ii) The development and use of proven, cost effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

(6) Carrying out programs and activities that are designed to improve the quality of early intervention personnel, including paraprofessionals and primary referral sources, such as—

(i) Professional development programs to improve the delivery of early intervention services;

(ii) Initiatives to promote the recruitment and retention of early intervention personnel; and

(iii) Interagency activities to ensure that early intervention personnel are adequately prepared and trained.

(b) *Other Activities*—Consistent with the absolute priority announced in this notice, each SEA that receives a SPDG under this program must use the grant funds to support activities in accordance with the State's Personnel Development Plan, including one or more of the following:

(1) Reforming special education and regular education teacher certification (including re-certification) or licensing requirements to ensure that—

(i) Special education and regular education teachers have—

(A) The training and information necessary to address the full range of needs of children with disabilities across disability categories; and

(B) The necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

(ii) Special education and regular education teacher certification (including re-certification) or licensing requirements are aligned with challenging State academic content standards; and

(iii) Special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students with disabilities meet challenging State student academic achievement and functional standards.

(2) Programs that establish, expand, or improve alternative routes for State certification of special education teachers for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.

(3) Teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

(4) Developing and implementing mechanisms to assist LEAs and schools in effectively recruiting and retaining highly qualified special education teachers.

(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensure, consistent with Title II of the HEA (20 U.S.C. 1021 *et seq.*).

(6) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed under this absolute priority may lead to the weakening of any State teacher certification or licensing requirement.

(7) Assisting LEAs to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(8) Developing, or assisting LEAs in developing, merit-based performance systems and strategies that provide differential and bonus pay for special education teachers.

(9) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement and functional standards, and the results of State assessments for all children with disabilities to improve instructional practices and improve the academic achievement of children with disabilities.

(10) When applicable, coordinating with, and expanding centers established under section 2113(c)(18) of the ESEA to benefit special education teachers.

(c) *Contracts and Subgrants*—An SEA that receives a grant under this program—

(1) Must award contracts or subgrants to LEAs, institutions of higher education, parent training and information centers, or community parent resource centers, as appropriate, to carry out the State personnel development plan; and

(2) May award contracts and subgrants to other public and private entities, including the lead agency under Part C of IDEA, to carry out the State plan.

(d) *Use of Funds for Professional Development*—An SEA that receives a grant under this program must use—

(1) Not less than 90 percent of the funds the SEA receives under the grant for any fiscal year for the Professional Development Activities described in paragraph (a); and

(2) Not more than 10 percent of the funds the SEA receives under the grant for any fiscal year for the Other Activities described in paragraph (b).

(e) *Grants to Outlying Areas*—Public Law 95–134, permitting the consolidation of grants to the outlying areas, does not apply to funds received under this program authority.

Competitive Preference Priorities: Within this absolute priority, we give competitive preference to applications that meet one of the following priorities. For FY 2010 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities.

These priorities are based on allowable activities specified in section 654 of IDEA (20 U.S.C. 1454), the provisions in IDEA that authorize the SPDG Program.

Under 34 CFR 75.105(c)(2)(i) we award an additional five points to an application that meets one of the following competitive preference priorities. We will award points on an "all or nothing" basis (*i.e.,* five points or zero points) to an applicant that addresses one of the competitive preference priorities in its application based on whether the applicant meets the priority. These points are in addition to any points the application earns under the selection criteria. To be considered for a competitive preference, an applicant must identify in its

application the one competitive preference priority it is seeking to meet.

Competitive Preference Priority 1—Partnerships with LEAs and IHEs to Improve Special Education Teacher Effectiveness.

We give competitive preference to applicants that demonstrate (1) how they will provide evidence-based professional development activities to improve the effectiveness of special education teachers of children with disabilities from low-income or minority backgrounds or children with disabilities who are English learners; (2) how they will track the effectiveness of the professional development activities; and (3) how these professional development activities will incorporate partnerships between one or more LEAs serving high concentrations of these children and one or more institutions of higher education (IHE).

Competitive Preference Priority 2—Professional Development Activities for High School Personnel.

We give competitive preference to applicants that demonstrate how they will provide professional development activities to enhance the capacity of personnel, as defined in section 651(b) of IDEA (20 U.S.C. 1451(b)), in high schools with high concentrations of low-income students and students from minority backgrounds to deliver high-quality instruction and improve outcomes for high school youth with disabilities. Examples include professional development activities related to mentoring, post-school transition, and literacy.

Competitive Preference Priority 3—Professional Development for Personnel Who Work with Children Who Need High Levels of Support.

We give competitive preference to applicants that demonstrate how they will provide professional development to enhance the capacity of early intervention personnel, special education and regular education teachers, related services personnel, and school principals to use collaborative and consultative models to serve infants, toddlers, and children with disabilities who need high levels of support to participate successfully in natural environments or in the least restrictive environment.

Program Authority: 20 U.S.C. 1451–1455.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, and 99. (b) The notice of final priority for this program published in the **Federal Register** on June 9, 2006 (71 FR 33578).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $10,000,000. Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2011 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $500,000–$4,000,000 (for the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico). In the case of an outlying area awards will be not less than $80,000.

Maximum Award: We will reject any application that proposes a budget exceeding $4,000,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register.**

Note: We will set the amount of each award after considering—

(1) The amount of funds available for making the grants;

(2) The relative population of the State or outlying area;

(3) The types of activities proposed by the State or outlying area;

(4) The alignment of proposed activities with section 612(a)(14) of IDEA;

(5) The alignment of proposed activities with State plans and applications submitted under sections 1111 and 2112, respectively, of the ESEA; and

(6) The use, as appropriate, of scientifically based research and instruction.

Estimated Average Size of Awards: $1,000,000, excluding outlying areas.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Not less than one year and not more than five years.

III. Eligibility Information

1. *Eligible Applicants:* An SEA of one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico or an outlying area (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands).

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Other: General Requirements*—The projects funded under this program must make positive efforts to employ and advance in employment qualified individuals with disabilities (*see* section 606 of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. *Telephone, toll free:* 1–877–433–7827. *Fax:* (703) 605–6794. If you use a telecommunications device for the deaf (TDD), call, *toll free:* 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.EDPubs.gov* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.323A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A "page" is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, abstracts, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

We will reject your application if you exceed the page limit; or if you apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: May 25, 2010.

Deadline for Transmittal of Applications: July 9, 2010.

Applications for grants under this competition may be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site, or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: September 7, 2010.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education, (1) you must have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN); (2) you must register both of those numbers with the Central Contractor Registry (CCR), the Government's primary registrant database; and (3) you must provide those same numbers on your application.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

7. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

If you choose to submit your application to us electronically, you must use e-Application, accessible through the Department's e-Grants Web site at: *http://e-grants.ed.gov.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- Your participation in e-Application is voluntary.
- You must complete the electronic submission of your grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. E–Application will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.
- The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password protected file, we will not review that material.
- Your electronic application must comply with any page limit requirements described in this notice.
- Prior to submitting your electronic application, you may wish to print a copy of it for your records.
- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).
- Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

(1) Print SF 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

- We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of System Unavailability: If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2) (a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our

acknowledgment of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under *For Further Information Contact* (*see* VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application.

Extensions referred to in this section apply only to the unavailability of e-Application. If e-Application is available, and, for any reason, you are unable to submit your application electronically or you do not receive an automatic acknowledgment of your submission, you may submit your application in paper format by mail or hand delivery in accordance with the instructions in this notice.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.323A), LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.323A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The Standing Panel requirements under IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The goal of the SPDG Program is to reform and improve State systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities. Under the Government Performance and Results Act of 1993, the Department has developed performance measures to assess the success of the program in meeting these goals. These measures are: (1) The percent of personnel receiving professional development through the SPDG Program based on scientific- or evidence-based instructional practices; (2) the percentage of SPDG projects that have implemented personnel development/training activities that are aligned with improvement strategies identified in their State Performance Plan; (3) the percentage of professional development/training activities provided through the SPDG Program based on scientific- or evidence-based instructional/behavioral practices; (4) the percentage of professional

development/training activities based on scientific- or evidence-based instructional/behavioral practices, provided through the SPDG Program, that are sustained through ongoing and comprehensive practices (*e.g.,* mentoring, coaching, structured guidance, modeling, continuous inquiry, etc.); (5) in States with SPDG projects that have special education teacher retention as a goal, the Statewide percentage of highly qualified special education teachers in State-identified professional disciplines (*e.g.,* teachers of children with emotional disturbance, deafness, etc.), consistent with sections 602(a)(10) and 612(a)(14) of IDEA, who remain teaching after the first three years of employment; and (6) the percentage of SPDG projects that successfully replicate the use of scientific, or evidence-based instructional/behavioral practices in schools; and (7) the percentage of SPDG projects whose cost per personnel receiving professional development on scientific or evidence-based practices is within a specified range.

Each grantee must annually report its performance on these measures in the project's annual performance report to the Department in accordance with section 653(d) of IDEA and 34 CFR 75.590.

VII. Agency Contact

For Further Information Contact: Jennifer Coffey, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4096, Potomac Center Plaza (PCP), Washington, DC 20202–2550. *Telephone:* (202) 245–6673.

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: May 18, 2010.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2010–12610 Filed 5–24–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on DOE's intent to request the Office of Management and Budget (OMB) to extend for three years the emergency Information Collection Request Title: OE Recovery Act Financial Assistance Grants, OMB Control No. 1910–5149 that DOE is developing for submission to OMB pursuant to the Paperwork Reduction Act of 1995. 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 of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before July 26, 2010. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments should be sent to:

Matthew Grosso, U.S. Department of Energy, OE/Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, or by fax at 202–586–5860, or by e-mail at *matthew.grosso@hq.doe.gov* and DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Matthew Grosso at *matthew.grosso@hq.doe.gov,* or *http://www.oe.energy.gov/recovery/1285.htm.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910–5149; (2) *Information Collection Request Title:* OE Recovery Act Financial Assistance Grants; (3) *Type of Request:* Three-year extension of a prior emergency request; (4) *Purpose:* To collect information on the status of grantee activities, expenditures, and results, to ensure that program funds are being used appropriately, effectively and expeditiously (especially important for Recovery Act funds); (5) *Annual Estimated Number of Respondents:* 132; (6) *Annual Estimated Number of Total Responses:* 1,656; (7) *Annual Estimated Number of Burden Hours:* 3,312; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $621,000 for the first year, $138,000 each subsequent year.

Authority: Title V, Subtitle E of the Energy Independence and Security Act of 2007 (EISA; Pub. L. 110–140).

Issued in Washington, DC, on May 19, 2010.

Terri T. Lee,

Chief Operating Officer, Electricity Delivery and Energy Reliability.

[FR Doc. 2010–12518 Filed 5–24–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP10–433–000]

Iroquois Gas Transmission System, L.P.; Notice of Application

May 18, 2010.

Take notice that on May 17, 2010, Iroquois Gas Transmission System, L.P. (Iroquois), One Corporate Drive, Shelton, Connecticut 06484, filed in Docket No. CP10–433–000, an application pursuant to section 3 of the Natural Gas Act (NGA), to amend its authorization under NGA section 3 and its Presidential Permit to allow it to export natural gas from the United States to Canada utilizing Iroquois'

existing cross-border facilities. Iroquois proposes no new facilities in its application. The application is on file with the Commission and open to public inspection. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Paul W. Diehl, Senior Attorney, Iroquois Pipeline Operating Company, One Corporate Drive, Suite 600, Shelton, CT 06484, phone (203) 925–7228 or facsimile (203) 926–8829.

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 below listed comment date, 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 with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters 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 commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters 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.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; *see,* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: June 8, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–12503 Filed 5–24–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2114–209]

Public Utility District No. 2 of Grant County, WA; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

May 18, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No:* 2114–209.

c. *Date Filed:* February 26, 2010.

d. *Applicant:* Public Utility District No. 2 of Grant County, Washington.

e. *Name of Project:* Priest Rapids Hydroelectric Project.

f. *Location:* Columbia River, in Grant, Yakima, Kittitas, Douglas, Benton, and Chelan Counties, Washington. The project occupies Federal lands managed by the U.S. Bureau of Land Management, U.S. Bureau of Reclamation, U.S. Department of Energy, U.S. Department of Army, and U.S. Fish and Wildlife Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kelly Larimer, Lands and Recreation Resources Manager, Public Utility District No. 2 of Grant County, Washington, P.O. Box 878, Ephrata, WA 98823; (509) 754–0500.

i. *FERC Contact:* For questions on this notice, please contact—Jaime Blakesley, Telephone 312–596–4441, and e-mail: *jaime.blakesley@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protest:* June 18, 2010.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener 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. A copy of any motion to intervene must also be served upon each representative of the

Applicant specified in the particular application.

k. *Description of Request:* The licensee proposes to amend the recreation resource management plan and implementation schedules under article 418 of its license. The proposed amendment includes modifications and information pertaining to Crab Creek Corridor (Burkett Lake Recreation Area), Priest Rapids Park (Desert Aire), Priest Rapids Dam Picnic Area, Crescent Bar Recreation Provisions, as well as a revised implementation schedule for the recreation requirements outlined in Article 418.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number (P–2114) excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the "e-Filing" link.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–12502 Filed 5–24–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2333–068]

Rumford Falls Hydro, LLC; Notice of Application for Amendment of License, and Soliciting Comments, Motions To Intervene, and Protests

May 18, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No.:* 2333–068.

c. *Date Filed:* July 23, 2009 and supplemented May 13, 2010.

d. *Applicant:* Rumford Falls Hydro, LLC.

e. *Name of Project:* Rumford Falls.

f. *Location:* The project is located on the Androscoggin River, in the Town of Rumford, Oxford County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Brian Stetson, General Manager, 1024 Central Street, Millinocket, ME 04462, (207) 723–4341.

i. *FERC Contact:* Any questions regarding this notice should be directed to Mr. Jeremy Jessup at (202) 502–6779 or *Jeremy.Jessup@ferc.gov.*

j. *Deadline for filing comments, motions to intervene and protest:* June 18, 2010. 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 at *http://www.ferc.gov* under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings, please go to the Commission's Web site located at *http://ferc.gov.filing-comments.asp.* Please include the project number (P–2333–068) on any comments, motions, or protests.

k. *Description of Request:* Rumford Falls Hydro, LLC, seeks a non-capacity amendment of license for the completed maintenance upgrades to Units 1 and 2 at the Lower Station in the form of runner replacements in July of 2008. The maintenance upgrades resulted in the efficiency of the units improving, increasing flow through each turbine by 98 cfs (196 cfs total) and increasing the capacity of each generator by 1,200 kilowatts (kW) (2,400 kW total). Rumford Falls Hydro, LLC also replaced the runner and rewound the generator on Unit 3 at the Upper Station in 2009. The work on Unit 3 resulted in an increase of 50 cfs flow through the turbine and an increase in the generator capacity by 1,300 kW.

l. *Location of the Application:* The filing is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426 or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docsfiling/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments,

protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable, (2) set forth in the heading the name of the applicant and the project numbers 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, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene or protests should relate to project works which are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener 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. 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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–12501 Filed 5–24–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2403–056; 2721–020; 2312–019]

Penobscot River Restoration Trust; Notice of Availability of Final Environmental Assessment

May 18, 2010.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486,52 FR 47879) the Office of Energy Projects has prepared an Final Environmental Assessment (FEA) for an application filed by the Penobscot River Restoration Trust (licensee) on November 7, 2008, requesting Commission approval to surrender the project licenses for the Veazie, Great Works, and Howland Hydroelectric Projects, located on the Penobscot and Piscataquis Rivers in Penobscot County, Maine. The licensee proposes to surrender the project licenses and remove the Veazie and Great Works Dams, and construct a nature-like fish bypass around the Howland Dam. Surrender of the projects' licenses is a component of the Lower Penobscot River Basin Comprehensive Settlement Agreement.

The FEA evaluates the environmental impacts that would result from approving the licensee's proposed surrenders. The FEA finds that approval of the application would not constitute a major Federal action significantly affecting the quality of the human environment. A copy of the FEA is on file with the Commission and is available for public inspection. The FEA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number (P–2403, P–2312, or P–2721) excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3372, or for TTY, (202) 502–8659.

For further information, contact Christopher Yeakel at (202) 502–8132.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–12500 Filed 5–24–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM06–22–013]

North American Electric Reliability Corporation; Notice of Filing

May 18, 2010.

Take notice that on May 17, 2010, North American Electric Reliability Corporation (NERC) submitted revisions to 57 sets of Violation Severity Level (VSL) assignments for Version 1 of the Critical Infrastructure Protection (CIP) Reliability Standards, in compliance with to the Commission's March 18, 2010 Order, *Mandatory Reliability Standards for Critical Infrastructure Protection,* Order Addressing Violation Severity Level Assignments for Critical Infrastructure Protection Reliability Standards, 130 FERC ¶ 61,211 at PP 23, 28, 31–33 (2010) (March 18 CIP VSL Order).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

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 June 7, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–12504 Filed 5–24–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

ILP Effectiveness Evaluation 2010; Georgia Power Company; et al.; Notice of Interviews, Teleconferences, Regional Workshops and Multi-Stakeholder Technical Conference on The Integrated Licensing Process

May 18, 2010.

ILP Effectiveness Evaluation 2010	Docket No. AD10–7–000.
Georgia Power Company	Project No. 2237–013.
Public Service Company of New Hampshire	Project No. 7528–004.
Pacific Gas & Electric Company	Project No. 803–068.
Pacific Gas & Electric Company	Project No. 2106–059.
PPL, Montana, LLC	Project No. 2301–019.
Energy Northwest	Project No. 2244–022.
Appalachian Power Company	Project No. 2210–169
Appalachian Power Company	Project No. 739–022.
Public Service Company of Colorado	Project No. 400–051
Public Service Company of Colorado	Project No. 12589–001.
Green Island Power Authority	Project No. 13–023.
City of Seattle	Project No. 2144–038.
Public Utility District of Snohomish Co., WA	Project No. 2157–188.
Northern Lights, Inc.	Project No. 2594–013.
Onyx Specialty Papers, Inc	Project No. 2985–006.
Mahoning Creek Hydro. Co., LLC	Project No. 12555–004.
Vermont Marble Power Division of Omya Inc	Project No. 2558–029.
FPL Energy Maine Hydro LLC	Project No. 2615–037.
Douglas County PUD	Project No. 2149–131.

As part of our commitment to ensuring the effectiveness of the Integrated Licensing Process (ILP), Federal Energy Regulatory Commission (FERC) is undertaking a second effectiveness evaluation. To facilitate this review, FERC has contracted with Kearns & West to conduct the 2010 ILP Effectiveness Evaluation. This effort includes conducting interviews and teleconferences with a cross-section of stakeholders, four regional workshops, and a multi-stakeholder effectiveness technical conference in Washington, DC. We invite stakeholders to provide lessons learned from their experience as a participant in the ILP.

Interviews and Teleconferences

Over the next few weeks, members of Kearns & West will be conducting phone interviews with a number of representatives of agencies, tribes, non-governmental organizations, licensees, Commission staff, and others involved in the above-identified hydropower licensing proceedings. Applicants in these proceedings have completed the pre-filing efforts and filed license applications using the ILP. Other participants in these or other ILP proceedings are encouraged to share their thoughts at the workshops and technical conference. Following the completion of the interviews, three teleconferences by sectors (*i.e.* applicants, resource agencies and tribes, and non-governmental organizations) will be held between July 19 and July 30, 2010.

Regional Effectiveness Workshops

Commission staff will hold four regional workshops on the ILP in September 2010. The purpose of the regional workshops is to seek further feedback on experiences in the ILP and to explore ideas to better implement the ILP. Because of ex parte concerns, discussions will be limited to process rather than the merits of any proceeding before the Commission.

FERC is exploring hosting the Regional Effectiveness Workshops in the following locations: New York, California, Virginia or North Carolina, and Washington State.

The workshops are open to the public and all interested parties are invited to attend and participate. Meeting details and logistics will be noticed and posted on the Commission's Web page and calendar (*http://www.ferc.gov/*).

Multi-Stakeholder ILP Effectiveness Technical Conference

A one-day, multi-stakeholder technical conference will be held on Wednesday, November 3, 2010, from 11 a.m. (EST) to 3 p.m., in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC. The technical conference will focus on gathering information to evaluate the effectiveness of the ILP and refining ideas to better implement the ILP. The technical conference is open to the public and all interested parties are invited to attend and participate.

We are exploring opportunities for remote listening, participating, and viewing the Technical Conference. Final details will be noticed and posted no later than October 1, 2010.

For additional information, please contact David Turner at 202–502–6091 or *david.turner@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–12497 Filed 5–24–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR10–24–000]

American Midstream (Alabama Intrastate), LLC ; Notice of Petition for Rate Approval

May 18, 2010.

Take notice that on May 14, 2010, American Midstream (Alabama Intrastate), LLC (Alabama Intrastate) filed a petition for rate approval pursuant to section 284.123(b)(2) of the Commission's regulations. Alabama Intrastate states it is filing for approval of the continuation of its currently effective maximum transportation rate of $0.1621 per MMBtu, plus reimbursement of actual fuel and lost and unaccounted-for quantities up to three percent for interruptible transportation service provided pursuant to Section 311 of the 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 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 Tuesday, May 25, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–12498 Filed 5–24–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD09–11–000]

Energy Efficiency of Natural Gas Infrastructure and Operations Conference; Final Notice of Public Conference

May 18, 2010.

As announced in the "Notice of Public Conference" issued on March 31, 2010, a public conference will be held on May 25, 2010, from 9 a.m. to 3 p.m. (EST) in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The conference will be open for the public to attend and advance registration is not required. Members of the Commission are expected to attend and participate in the conference.

The purpose of this conference is to explore issues related to efficiency measures on the interstate natural gas grid as well as waste heat recovery opportunities. This conference will also provide an opportunity for interested parties to express their views and suggestions regarding ongoing efforts at the Commission to promote efficiency measures. Attached to this notice is the agenda of conference.

A free Webcast of this event is available through *http://www.ferc.gov.* Anyone with Internet access who desires to listen to this event can do so by navigating to the Calendar of Events at *http://www.ferc.gov* and locating this event in the Calendar. The event will contain a link to its Webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the conference via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or call (703) 993–3100.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 866–208–3372 (voice) or (202)–208–1659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For information about the conference, please contact Pamela Romano at (202) 502–6854 or *pamela.romano@ferc.gov.*

Kimberly D. Bose,

Secretary.

Federal Energy Regulatory Commission

Energy Efficiency of Natural Gas Infrastructure and Operations Conference

Public Conference; May 25, 2010

9 a.m.—Opening Remarks and Introductions

9:10 a.m.—Agenda Overview

Pamela Romano, Facilitator, Office of Energy Projects

9:15 a.m.—Panel 1: Industry Trade Groups

Topics include efficiency measures across the national pipeline grid.

- Richard D. Murphy, S.V.P. Energy Solutions Services, National Grid, on behalf of the American Gas Association (AGA).
- Bryan Neskora, Tennessee Gas Pipeline, on behalf of The Interstate Natural Gas Association of America (INGAA).

9:45 a.m.—Panel 2: Interstate Natural Gas Pipeline Companies

Topics include efficiency measures as well as opportunities for waste heat recovery projects and issues associated with fugitive methane.

- Bruce Hedman, ICF International, on behalf of INGAA.
- Scott Messersmith, Questar Pipeline Co.
- Murray Birch, Alliance Pipeline Inc.
- Robert S. Checketts, MidAmerican Energy Pipeline Group.
- Al Behrens, Northern Border Pipeline.

10:45 a.m.—Panel 3: Waste Heat Recovery Facilities Installation

Topics include issues and solutions for installing waste heat recovery facilities on natural gas pipelines from the facility manufacturers' standpoint.

- Paul Thomsen, Ormat Technologies.
- Jeremy Barnes, GE Oil & Gas.

11:45 a.m.—Break for Lunch

12:45 p.m.—Panel 4: Cost Allocation and Revenue Crediting for Efficiency Measures

Topics to include rate impacts, tariff concerns and revenue allocations for efficiency measures, waste heat recovery facilities and issues associated with fugitive methane.

- Richard D. Murphy, S.V.P. Energy Solutions Services, National Grid, on behalf of AGA.
- Richard Notte, on behalf of Process Gas Consumers Group.
- Michael McMahon, Boardwalk Pipeline Partners.
- Tony Straquadine, Alliance Pipeline Inc.

1:45 p.m.—Open Forum

2:45 p.m.—Closing Remarks

3 p.m.—Adjourn

[FR Doc. 2010–12499 Filed 5–24–10; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9154–8]

EPA Board of Scientific Counselors Advisory Board; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of charter renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2, the EPA Board of of Scientific Counselors Advisory Board (BOSC) is a necessary committee which is in the public interest. Accordingly, BOSC will be renewed for an additional two-year period. The purpose of BOSC is to provide advice and recommendations to the Administrator regarding science and engineering research, programs and plans, laboratories, and research-management practices. Inquiries may be directed to Greg Susanke, U.S. EPA, (Mail Code 8104R), 1200 Pennsylvania

Avenue, NW., Washington, DC 20460, telephone (202) 564-9945, or *susanke.greg@epa.gov.*

Dated: March 10, 2010.

Paul T. Anastas,

Assistant Administrator, Office of Research and Development.

[FR Doc. 2010–12618 Filed 5–24–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9154–7]

Science Advisory Board Staff Office; Notification of a Public Meeting of the SAB Panel for the Review of Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems and Aquatic Life Benchmark for Conductivity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public meeting of the SAB Panel for the review of two EPA draft documents on the Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems, and on Aquatic Life Benchmark for Conductivity.

DATES: The public meeting will be held on July 20, 2010 from 8:30 a.m. to 5 p.m. (Eastern Daylight Time), July 21, 2010 from 8:30 a.m. to 5 p.m., and July 22, 2010 from 8 a.m. to 12 p.m. (Eastern Daylight Time).

ADDRESSES: The face-to-face meeting on July 20–22, 2010 will be held at the Washington Plaza Hotel at 10 Thomas Circle, NW., Washington, DC 20005; telephone (202) 842–1300.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meeting may contact Mr. Edward Hanlon, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone/voice mail at (202) 343–9946 or at *hanlon.edward@epa.gov.* General information about the SAB, as well as any updates concerning the meeting announced in this notice, may be found on the EPA Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the SAB Mountaintop Mining/Valley Fill/Conductivity Review Panel will hold a public face-to-face meeting to conduct a peer review of the EPA's draft technical documents, *The Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems of the Central Appalachian Coalfields* External Review Draft (December 2009), and *Field-Based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams,* External Review Draft (March 2010). The SAB was established pursuant to 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations.

The SAB is a Federal Advisory Committee chartered under FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background: EPA's Office of Research and Development (ORD) prepared a scientific assessment of the ecological impacts related to mountaintop mining and valley-fill operations entitled "The Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems of the Central Appalachian Coalfields." The scope of this assessment includes: loss of headwater streams, downstream water quality and subsequent effects on in-stream biota, and cumulative ecological impacts. In addition, the draft assessment evaluates restoration and recovery methods used by mining companies to address these ecological impacts associated with mountaintop mining and valley-fill operations. ORD also developed the "Field-Based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams" report that uses field data to derive an aquatic life benchmark value for conductivity (a measure of salinity) that may be applied to waters in the Appalachian Region that are dominated by salts of SO_4^{2-} and HCO_3^-. ORD requested that the SAB review and provide advice on the scientific adequacy, suitability and appropriateness of both the draft Aquatic Ecosystem Report and the draft Conductivity Benchmark Report.

In response to ORD's request, the SAB Staff Office solicited nominations of experts and formed a review panel for the Review of Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems, and Aquatic Life Benchmark for Conductivity [**Federal Register** Notice dated February 3, 2010 (75 FR 5589—5590)]. The panel will provide advice on the ecological impacts related to mountaintop mining and valley-fill operations and on deriving an aquatic benchmark for conductivity using field data. During the face-to-face meeting, the panel will review the technical documents.

Availability of Meeting Materials: Agendas and materials in support of this meeting will be placed on the EPA Web site at *http://www.epa.gov/sab* in advance of the meeting. For technical questions and information concerning EPA's draft document, please contact Dr. Michael Slimak, EPA Office of Research and Development (ORD), at (703) 347–8524 or by e-mail at *slimak.michael@epa.gov.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a Federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a Federal advisory committee to consider as it develops advice for EPA. They should send their comments directly to the Designated Federal Officer for the relevant advisory committee. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes per speaker, with no more than a total of one hour for all speakers. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Edward Hanlon, DFO, in writing (preferably via e-mail) at the contact information noted above by July 13, 2010 to be placed on the list of public speakers at the face-to-face meeting. *Written Statements:* Written statements should be supplied to the DFO via email at the contact information noted above by July 13, 2010 so that the information may be made available to the Committee members for their consideration. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format. Submitters are requested to provide versions of signed documents, submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Edward Hanlon at (202) 343–9946 or at *hanlon.edward@epa.gov.* To request

accommodation of a disability, please contact Mr. Hanlon preferably at least ten days prior to each meeting to give EPA as much time as possible to process your request.

Dated: May 18, 2010.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Staff Office.

[FR Doc. 2010–12617 Filed 5–24–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 18, 2010.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106–2204:

1. FHB Formation LLC, Boston, Massachusetts; to become a bank holding company by acquiring up to 60 percent of the voting shares of Northeast Bancorp and Northeast Bank, both of Lewiston, Maine.

B. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. CapGen Capital Group IV LLC and CapGen Capital Group IV LP, both of New York, New York; to become bank holding companies by acquiring up to 49.9 percent of the voting securities of Jacksonville Bancorp, and The Jacksonville Bank, both of Jacksonville, Florida.

C. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Icon Capital Corporation, Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Icon Bank of Texas, N. A., Houston, Texas.

2. Texas Banc Financial Corporation, Fort Worth, Texas; to acquire 100 percent of the voting shares of The Bank, Weatherford, Texas.

Board of Governors of the Federal Reserve System, May 19, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–12459 Filed 5–24–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 18, 2010.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. CapGen Capital Group IV LLC and CapGen Capital Group IV LP, both of New York, New York; to become bank holding companies through the acquisition of up to 49.9 percent of the voting shares of Jacksonville Bancorp, Jacksonville, Florida, and thereby indirectly acquire The Jacksonville Bank, Jacksonville, Florida.

Board of Governors of the Federal Reserve System, May 20, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–12509 Filed 5–24–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The FTC proposes to issue compulsory process orders to major food and beverage manufacturers, distributors, and marketers and quick service restaurant companies for information concerning, among other things, their marketing activities and expenditures targeted toward children and adolescents and nutritional information about the companies' food and beverage products marketed to children and adolescents. As required by the Paperwork Reduction Act (PRA), the FTC is submitting the proposed information collection to the Office of Management and Budget (OMB) for review and is seeking public comments on the proposed information collection and the associated PRA burden estimates.

DATES: Comments must be filed on or before June 24, 2010.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form, by following the instructions in Part IV of the **SUPPLEMENTARY INFORMATION** section

below. Comments in electronic form should be submitted by using the following weblink: (*https://public.commentworks.com/ftc/foodmarketingPRA2*) (and following the instructions on the web-based form). Comments 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, N.W., Washington, D.C. 20580, in the manner detailed in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Carol Jennings, (202) 326-3010, or Sarah Botha, (202) 326-2036, Attorneys, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission. The FTC staff contacts can be reached by mail at: Federal Trade Commission, 600 Pennsylvania Avenue, NW, NJ-3212, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

I. Background and Description of the Proposed Information Collection

In July 2008, the FTC published a report entitled *Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation* (FTC 2008 Report).[1] The 2008 Report analyzed expenditures and marketing activities by 44 food companies across various promotional activity and food product categories for the year 2006. The report also reviewed policies and initiatives undertaken by companies to encourage healthy eating and lifestyle choices by children and adolescents, and evaluated the extent to which companies had implemented recommendations of the report from a workshop on Marketing, Self-Regulation & Childhood Obesity that the FTC and the Department of Health and Human Services jointly convened in 2005.[2]

The Commission obtained data and information for the 2006 study by issuing compulsory process orders to producers, distributors, and marketers of foods frequently advertised to children (ages 2-11) and adolescents (ages 12-17), such as carbonated and non-carbonated beverages, snacks, baked goods, cereals, prepared meals, candy, dairy products, and restaurant food. The study found that the reporting companies spent more than $1.6 billion marketing their products to children and adolescents in 2006, and employed a variety of techniques, including promotion through traditional measured media, the Internet and other "new" media, product packaging, and in-store advertising, as well as integrated campaigns that combined several techniques and cross-promotions with media and entertainment companies.

In addition to presenting the study findings, the FTC 2008 Report included several recommendations, among them that companies marketing food or beverage products should: (1) adopt meaningful, uniform nutrition-based standards for all products marketed to children under age 12; and (2) apply these standards to all advertising and promotional techniques.[3] The Commission indicated it would issue a follow-up report assessing the extent to which the FTC 2008 Report recommendations have been implemented and whether additional measures may be warranted.

The FTC proposes to send information requests to 48 food and beverage manufacturers, distributors, and marketers and quick service restaurant companies in the United States, 40 of which were recipients of information requests as part of the Commission's 2006 study. The companies that will receive these information requests are those marketing and selling the categories of food and beverage products that appear to be advertised to children and adolescents most frequently.[4] Included among the 48 companies to which the FTC proposes sending the information collection are several fruit and vegetable producers, distributors, and marketers. Traditionally, fruit and vegetable companies have not engaged in significant marketing efforts but, in recent years, some of these fruit and vegetable companies have packaged and promoted their products in ways likely to appeal to children, such as by using licensed characters popular with children in their product labels and displays. Gathering information on these practices will enable FTC staff to compare the marketing techniques and expenditures being used to market fruits and vegetables relative to foods that traditionally have been more frequently marketed to children and adolescents.

The information requests will seek much of the same types of data and information collected for the 2006 study, such as: (1) the categories of foods[5] marketed to children (ages 2-11 years) and adolescents (ages 12-17 years); (2) the types of measured[6] and unmeasured[7] media techniques used to market food products to children and adolescents; (3) the amount spent to communicate marketing messages about food products to youth; (4) the nature of the marketing activities used to market food products to youth; (5) marketing to youth of a specific gender, race, ethnicity, or income level; and (6) marketing policies, initiatives, or research in effect or undertaken by the companies relating to the marketing of food and beverage products to children and adolescents. The FTC also proposes to gather nutrition information about products the companies marketed to children and adolescents in calendar years 2006 and 2009, to evaluate possible changes in the nutritional content, and variety, of youth-marketed foods. Further, the Commission proposes to seek scientific and market research exploring psychological and other factors that may contribute to food advertising appeal among youth.

The proposed information requests will require the companies to provide their marketing activities and expenditures during the calendar year 2009 in 18 different measured and

[1] The study was requested by Congress in conjunction with the Commission's FY 2006 appropriation (Pub. L. No. 109-108). The Conference Report (H.R. Rep. No. 109-272 (2005)) for this appropriations law incorporated by reference language from the Senate Report (S. Rep. No. 109-88 (2005)) instructing the FTC to prepare a report on food industry marketing activities and expenditures targeted to children and adolescents.

[2] *See* Federal Trade Commission & Department of Health and Human Services, *Perspectives on Marketing, Self-Regulation & Childhood Obesity* (2006), at (*http://www.ftc.gov/os/2006/05/PerspectivesOnMarketingSelf-Regulation&ChildhoodObesityFTCandHHSReportonJointWorkshop.pdf*).

[3] These advertising and promotional techniques include television, print, and radio; website, Internet, and digital advertising; word-of-mouth and viral advertising; product packaging and retail promotion; movie and video promotion; use of premiums in connection with the sale of a product; product placements, character licensing, and cross-promotion; athletic sponsorship; celebrity endorsements; and in-school marketing.

[4] Among the 48 proposed recipients are the 16 members of Council of Better Business Bureaus Children's Food and Beverage Advertising Initiative (CFBAI). The CFBAI member companies reportedly account for at least three-fourths of children's food and beverage television advertising expenditures; therefore, the Commission estimates that the proposed FTC study will account for significantly more than three-fourths of advertising expenditures directed toward children and adolescents.

[5] The specific categories that the FTC will examine are: breakfast cereals; snack foods; candy and frozen desserts; dairy products; baked goods; prepared foods and meals; carbonated beverages; fruit juice and non-carbonated beverages; restaurant foods; and fruits and vegetables.

[6] "Measured media" include methods typically measured by market research companies such as television, radio, print (magazine and newspaper), and some forms of Internet advertising.

[7] "Unmeasured media" include methods for which audience size is not typically measured, such as in-store marketing (including shelf placement), events, package promotions, digital marketing, and product placement in entertainment media (including television shows, movies, video games, and music recordings).

unmeasured media categories,[8] and will require expenditure reporting in each media category by food category, by brand, and, where such advertising exists, by sub-brand. Expenditures will be reported separately for marketing activities directed to children ages 2-11 and for those directed to adolescents ages 12-17. This information will allow the agency to analyze how industry members allocate their promotional expenditures among particular food and beverage products and particular media for each age group. Total marketing expenditures for each food product, and within each promotional activity category, will also be collected to permit the agency to analyze the percentage of marketing expenditures for any product or in any media category that is directed to children or adolescents.

The proposed information requests also will require the 48 respondents to provide specific nutritional data for each food product that the companies marketed to children or adolescents in 2009.[9] Recipients of the FTC's previous information requests for the 2006 study likewise must provide the requested nutrition data for each food product that the company identified as marketed to children or adolescents in 2006.[10] The nutrition data to be requested include common nutrient information that typically appears on the Nutrition Facts panel of packaged goods, such as serving size, total calories, calories from fat, total fat, saturated fat, trans fat, cholesterol, sodium, potassium, total carbohydrate, dietary fiber, sugars, protein, vitamin A, vitamin C, calcium, and iron. The Commission also intends to seek certain other information, including added sugar, all grain content and whole grains content, fruit and fruit juice content, vegetable and vegetable juice content, dairy content, and information on certain protein-rich foods (*e.g.,* fish, lean meat/poultry, egg, nuts, and beans). This information will enable the Commission to effectively analyze the nutritional profile of foods marketed to children and adolescents.

In sum, the proposed information requests seek comprehensive information about activities and expenditures to promote food and beverages to children and adolescents, and the nutritional composition of the products marketed to youth. As explained above, this information will allow the agency to analyze how industry members allocate their promotional activities and expenditures among various media and for different food products. In addition, the FTC will be able to evaluate the impact of self-regulatory efforts on the nutritional profiles of foods marketed to children and adolescents.

The FTC has the authority to compel production of these data and information from food and beverage manufacturers, distributors, and marketers, and quick service restaurant companies under Section 6(b) of the FTC Act, 15 U.S.C. 46(b). Under the PRA, the FTC must seek approval from OMB for the information collection, because the number of separately incorporated companies affected by the Commission's requests will exceed nine entities. 44 U.S.C. 3501-3520. As required by the PRA, the FTC published a **Federal Register** Notice seeking comments from the public concerning the proposed collection of information from food and beverage companies and quick service restaurants. *See* 74 FR 48072 (Sept. 21, 2009) (hereinafter "September 2009 Notice"). In response, the FTC received six comments (discussed below). Pursuant to the OMB regulations (5 CFR part 1320) that implement the PRA, the FTC is providing this second opportunity for public comment while requesting that OMB grant the clearance for the proposed collection of information. All comments should be filed as prescribed in Part IV of this **SUPPLEMENTARY INFORMATION** section, and must be received on or before June 24, 2010.

II. Public Comments

In response to the September 2009 Notice, the Commission received comments from the Robert Wood Johnson Foundation Center to Prevent Childhood Obesity (RWJF Center), Children Now, Food Marketing to Children Workgroup (FMC Workgroup), the African American Collaborative Obesity Research Network (AACORN), the Children's Food and Beverage Advertising Initiative (CFBAI), and the Grocery Manufacturers Association (GMA).[11] Two of the commenters expressly favored the proposed data collection, and none of the commenters opposed the data collection. All commenters made suggestions for enhancing the quality, utility, and clarity of the information to be collected, and one commenter offered suggestions for reducing the burden on the companies.

A. General Support for the Data Collection

The RWJF Center commented that the proposed information collection will contribute to the body of knowledge regarding youth-directed food and beverage marketing practices. The FMC Workgroup offered strong support for the proposed data collection, viewing it as necessary and useful.

B. Utility of the Information Collection

In its September 2009 Notice, the FTC invited comments on whether the proposed collections of information are necessary for the proper performance of the functions of the FTC, including whether the information will have practical utility. The RWJF Center commented that the FTC's proposed information collection is important to expanding knowledge of food and beverage marketing given changes that have occurred in the marketing landscape in the past few years, such as novel new media and market research techniques. The FMC Workgroup commented that collecting 2006 and 2009 data will allow the FTC to assess the extent to which companies have implemented the Commission's 2008 recommendations, and to identify additional actions that may be warranted. The FMC Workgroup also agreed that collecting nutritional data will allow the Commission to better evaluate the impact of self-regulatory pledges.

C. Suggestions for Improvements to Proposed Information Collection

The FTC invited comments in its September 2009 Notice on ways to enhance the quality, utility, and clarity of the information to be collected. The FTC received several suggestions for enhancing the FTC's proposed collection of marketing data by collecting the following: (1) exposure data for measured media and new media (*e.g.,* Internet, digital, and viral marketing); (2) additional data for new media, including certain expenditure data and measures of ad effectiveness;

[8] These are: (1) television advertising; (2) radio advertising; (3) print advertising; (4) company-sponsored Internet sites; (5) other Internet and digital advertising; (6) packaging and labeling; (7) movie theater/video/video game advertising; (8) in-store advertising and promotions; (9) specialty item or premium distribution; (10) public entertainment events; (11) product placements; (12) character licensing, toy-co-branding, and cross-promotions; (13) sponsorship of sports teams or individual athletes; (14) word-of-mouth and viral marketing; (15) celebrity endorsements; (16) in-school marketing; (17) advertising in conjunction with philanthropic endeavors; and (18) other expenditures.

[9] If a company reformulated the food product in 2009, the company must provide nutritional data for the last of the formulations in 2009.

[10] For ease of reporting, the FTC will provide each company that submitted a Special Report for calendar year 2006 with a pre-populated spreadsheet showing the products that the company previously identified as marketed to youth.

[11] The comments are available at (*http://www.ftc.gov/os/comments/foodmktgkids-2/index.shtm*).

(3) additional market research data; (4) other marketing data based on race, ethnicity, age, and other demographic indicators; and (5) data regarding nutrition information and specific food categories.

1. Exposure data

Children Now, the RWJF Center, and the FMC Workgroup suggested that gathering exposure data is important to accurately evaluate child and adolescent exposure to measured media and various interactive media techniques. The RWJF Center and Children Now suggested the FTC gather data on exposure and impressions, and the RWJF Center also suggested gathering data on the demographic makeup of the audiences (*e.g.,* distributions by age group and among racial and ethnic minority populations). The FMC Workgroup requested that exposure data be collected and disaggregated among different types of new media.

The Congressional appropriations language upon which the FTC 2008 Report was based instructed the FTC to prepare a report on food industry marketing activities and expenditures "targeted toward" children and adolescents. In other words, Congress asked the FTC to examine food advertising intentionally marketed to youth. Because it was not feasible for the Commission to make ad-by-ad, fact-intensive determinations of intent, the FTC relied on objective criteria. For television, an ad was deemed to be child-targeted if the company's marketing plan so indicated or if the advertisement appeared during a program that had a 30% child audience; a 20% threshold was used for adolescent-targeted ads. The percentage threshold for child-targeted Internet advertising was 20% (as opposed to 30% for television) because relatively fewer children are active Internet users. The FTC chose these percentages because they are approximately double the percentages of children and adolescents in the medium's overall audience. The Commission inferred that a company intended to target children or adolescents by advertising on a show or website that disproportionately attracted youth to such a high degree.

Although the "percentage of audience" approach runs some risk of under-inclusiveness – *i.e.*, by not capturing ads placed on programs that have a relatively low percentage, but high number, of child or adolescent viewers – it established an adequate benchmark for future assessments of whether food advertisers have altered their youth-targeted marketing. By comparison, an approach that focuses on overall child or adolescent exposure to food ads runs a much higher risk of *over*-inclusiveness. An exposure approach does not distinguish between ads placed on children's programming and ads placed on general audience or adult programs that happen to have many child viewers. Although exposure data might show whether children and adolescents are seeing more or fewer ads in particular food categories,[12] these data would not aid the Commission's assessment of whether the level of intentional targeting of youth with food and beverage ads has changed over time.

Separately, an exposure approach could substantially increase the compliance burden on the companies. An ad for a food product might generate a substantial number of youth impressions simply because it ran on programs with large general audiences, such as *American Idol* or *The Simpsons*. Yet, the same ad might never have run on shows watched predominantly by children or adolescents. Thus, an exposure approach potentially could encompass many more food products than the percentage of the audience approach.[13]

Finally, the Commission notes that the FTC[14] and several outside researchers have conducted exposure analyses of food and beverage television advertising.[15] In addition, the Commission's follow-up report will include: an analysis of television expenditures on the top five broadcast shows for children and adolescents based on audience share; data on online display ad impressions for foods generated on child- or teen-oriented websites; and an analysis of time spent by youth on websites operated by food companies based on data purchased from media research firms.

2. New media

The RWJF Center and Children Now suggested that the FTC gather additional expenditure data for new media, such as information on paid search term and display advertising, email marketing, mobile marketing, digital marketing, social media marketing, and behavioral targeting. Both commenters referenced increased use of emerging digital media practices in the last few years. The RWJF Center also requested that the Commission assess the effectiveness of online and mobile marketing by evaluating companies' implementation of self-regulatory policies and use of other measures of advertising effectiveness.

As it did for the FTC 2008 Report, the Commission will request expenditure data for the forms of new media identified above, including online display advertising, e-mail marketing, mobile marketing, and digital marketing. In addition to reporting on expenditures and promotional activities for these types of marketing, the follow-up report will include an analysis of online display advertising that may be targeted to youth and time spent at food company websites by youth, using data acquired from comScore and Nielsen Online. The Commission also will obtain data from comScore's Ad Metrix Mobile service to evaluate how much mobile marketing teens see and the amount of food ads they see relative to ads for other types of products on the mobile platform. For data on the effectiveness of online and mobile marketing and the use of behavioral targeting, the Commission will obtain marketing research studies from the food companies; to the extent the companies have researched the appeal and effectiveness of new media platforms and behavioral targeting to individuals under the age of 18, the Commission will evaluate and report on that research.

3. Market research data

The RWJF Center requested that the FTC obtain information and expenditures on neuroscience and biometric studies used for developing or implementing food advertising, as well as research on advertising effectiveness. The FMC Workgroup agreed that the FTC should seek information on novel market research techniques (*e.g.,* neuromarketing and biometric measures).

The FTC has incorporated into the proposed information requests specific requests for market research on advertising effectiveness and neurological or other factors that may

[12] To do this comparison, the Commission also would have to collect this data for 2006, thereby increasing the compliance burden on the companies.

[13] Indeed, GMA commented that the FTC's criteria of a "30% Children Audience" and a "20% Adolescent Audience" are too broad to determine if certain types of advertising are directed to children or adolescents.

[14] Federal Trade Commission, Bureau of Economics Staff Report, *Children's Exposure to Television Advertising in 1977 and 2004: Information for the Obesity Debate* (2007), at (*www.ftc.gov/os/2007/06/cabecolor.pdf*).

[15] *E.g.*, Harris, *et al.*, Rudd Center for Food Policy & Obesity at Yale Univ., *Cereal F.A.C.T.S.* (2009), *available at* (*www.cerealfacts.org/media/Cereal_*FACTS_Report.pdf); Powell, *et al., Nutritional Content of Television Food Advertisements Seen by Children and Adolescents in the United States,* 120 Pediatrics 576-83 (2007); Powell, *et al., Exposure to Food Advertising on Television Among U.S. Children*, 161 Archives of Pediatrics & Adolescent Med. (2007).

contribute to food advertising appeal among youth. More generally, the Commission believes the wording of the proposed Specification on market research is sufficiently broad to yield the type of information described by the commenters.

4. Targeted demographics data

Several comments supported the Commission's proposal to collect information on food and beverage marketing directed to youth based on gender, race, ethnicity, or income level. The Commission believes this information is important to collect given the prevalence of obesity within particular minority youth populations.[16] The FMC Workgroup and the AACORN noted that ethnic minority youth are the fastest growing segment among the youth population, and at the same time are at greater risk for obesity and related diseases. In addition, the AACORN cited to research indicating that African-American and Hispanic youth are exposed to more food marketing for less nutritious foods than youth in the general population.

The FMC Workgroup and the AACORN suggested that the FTC obtain information on the ethnic minority youth groups targeted, the manner in which they are selected, the campaigns and products directed to those groups, and expenditure and exposure data for new media targeting those groups. The Commission's proposed Specification on targeted youth marketing based on gender, race, ethnicity, or income level seeks information on most of the issues identified by the commenters. For example, companies must identify the specific sub-populations to which reported expenditures and activities relate. In addition, companies must identify which of their policies and market research pertain to marketing to individuals of a specific gender, race, ethnicity, or income level.

5. Nutrition information and data on certain food product categories

A key recommendation of the FTC 2008 Report was for industry to improve the nutritional profile of foods marketed to children and adolescents.[17] To adequately assess the scope of nutritional improvements between 2006 and 2009, the Commission will gather detailed nutrition information from food and beverage companies.

For purposes of evaluating changes in the nutrition profile of foods marketed to youth, the CFBAI recommended that the Commission consider the nutritional density of products and meals (*e.g.,* servings of fruit or vegetable in a food). In addition, the CFBAI requested that the FTC analyze reductions in calories, fat, sugars, and sodium in products advertised by CFBAI participants between 2006 and 2009. The CFBAI also requested that the Commission examine marketing expenditures based on the food groups (*e.g.,* fruit, dairy) contained in products and meals marketed to youth. The RWJF Center requested that FTC gather data on the specific products promoted by quick service restaurants in their advertising (*e.g.,* kids meals, value meals).

The Commission believes the types of nutrition data it proposes to collect are in keeping with the recommendations of the CFBAI and the RWJF Center. The FTC proposes to collect information on the nutritional density of products and meals marketed to youth, such as the fruit, vegetable, whole grain, and protein content per food serving. Likewise, the FTC will be able to analyze changes in calories, fat, sugars, and sodium of youth-marketed food products based on the nutrition data the Commission proposes to collect. The Commission will ask restaurant companies to list specific menu items, including those offered as children's meal combinations, and to provide expenditure and nutrition data for each item advertised to youth in 2009 and 2006. The Commission intends to evaluate youth-directed food marketing nutrition data in a manner consistent with the approach it took for analyzing the 2006 expenditure data, and will report nutrition trends on an aggregated basis by food category and media category.[18]

D. Suggestions for Minimizing the Burden of the Information Collection

In the September 2009 Notice, the FTC invited comments on ways to minimize the burden of the collection of information on those who are to respond. GMA responded; no individual companies submitted suggestions.

GMA suggested that the FTC eliminate or consolidate collection of data from categories that accounted for few expenditures or activities based on the 2006 information collection. The Commission consolidated the collection of certain categories of information, such as combining the candy and frozen dessert food categories and the word-of-mouth and viral advertising categories.

GMA urged the Commission to wait until after March 30, 2010 to issue the information requests, because 2009 calendar year data would not likely be available until late in the Second Quarter of 2010. This is a reasonable request and, under the current proposed time frame, the Commission would not issue the information requests until Summer 2010. GMA also requested that the Commission allow companies 120 days, rather than 90 days, to respond to the requests. The Commission believes that 90 days is a reasonable deadline. The Commission will entertain requests for limited extension of the deadline on a case-by-case basis as it did in connection with the 2006 data collection.

GMA asked that the FTC apply narrower criteria for youth-directed reportable expenditures than those used in the 2007 Orders to avoid over-reporting. For example, GMA asserted that some of the FTC's data requests were not tied to actual or potential audience thresholds, resulting in over-reporting of ad expenditures for programs in which seventy percent or more of the audience were not youth. GMA also indicated that it was overbroad to use "G" and "PG" ratings as criteria for defining youth-directed movie theater spending, and "E" ratings to define youth-directed video game spending. The Commission has narrowed the criteria for adolescent-directed movie theater and video game advertising by omitting reference to "PG" and "E" ratings and instead basing the determination on whether the viewing audience constituted at least 20% of persons ages 12-17. For assessing child-directed advertising, the Commission believes it is reasonable to maintain use of the "G" movie rating and the "EC" rating for video games.

GMA suggested that the Commission drop the request for expenditure data on advertising purchased during the "Top 5" television shows – that is, the five broadcast programs with the largest number of adolescent viewers. In the FTC 2008 Report, the Commission did not include these expenditures in the

[16] For example, data from the Centers for Disease Control and Prevention (CDC) indicate disparities among adolescent racial and ethnic minorities, with prevalence of obesity highest among Hispanic adolescent boys and African-American adolescent girls. CDC website at (*http://www.cdc.gov/obesity/childhood/trends.html*). *See also* U.S. Dept. Health and Human Services, *The Surgeon General's Vision for a Healthy and Fit Nation* 2-3 (Jan. 2010), at (*http://www.surgeongeneral.gov/library/obesityvision/obesityvision*2010.pdf)

[17] *See, e.g.*, FTC 2008 Report, at 67.

[18] As an alternative to providing nutritional information for each product advertised to youth, GMA suggested that the Commission extrapolate changes in the nutritional content of foods marketed to children and adolescents from 2006 to 2009 by collecting samples of product nutrition labels and allowing companies to estimate the number of products to which the labels apply. The Commission does not believe that GMA's suggested approach will provide accurate and reliable information upon which to evaluate the nutritional profiles of foods marketed to youth today as compared to those marketed in 2006.

aggregated figures of money spent on advertising to children and adolescents. Rather, the information was "noted separately . . . to illustrate the point that children and adolescents are exposed to a great deal of advertising that is directed to a general, primarily adult, audience."[19] The Commission has decided not to request 2009 expenditure data for the "Top 5" television shows; instead the FTC will purchase those data from a media research firm.

Finally, GMA expressed concern about the burden of collecting nutritional data from companies. The Commission does not believe that requiring companies to provide the information is burdensome. First, the nutrient data that the FTC proposes to seek are limited and are commonly analyzed in evaluating the nutritional quality of food marketed to children.[20] Second, food and beverage companies often maintain databases with detailed ingredient information about their products in order to observe proper compliance control issues and food safety and labeling standards. The Nutrition Labeling and Education Act of 1990 and FDA regulations require packaged foods to bear nutrition labeling, which contains the majority of the nutrition content data that the Commission seeks.[21]

E. Accuracy of Estimated Burden of the Information Collection

In the September 2009 Notice, the FTC invited comments on 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. The Commission estimated the total hours burden to be 12,250 and the total cost burden to be $3,675,000. The FTC offered broad ranges for estimated costs, which were separated into single-category and multiple-category company ranges, to account for differences in the number of brands and the amount of marketing the companies engage in for each brand.

GMA commented that the Commission underestimated the burden to companies to respond to the proposed data collection. GMA instead anticipated the cost to be $100,000 or more for each company that markets a single product category and $1 million or more for each company that markets multiple product categories. As indicated in Section III below, the Commission has revised its burden estimates from those stated in the September 2009 Notice to reflect estimated burden hours of 17,550 hours and an estimated total cost of $5,265,000. However, for the following reasons, the FTC does not believe the likely burden to be as high as GMA's estimate. First, the FTC proposes to send the information requests to virtually the same group of companies that received the information requests in 2007, and it anticipates that the companies' experience in answering the 2007 requests will inform their responses to the proposed requests, thus lessening the time needed to compile and submit the data to the FTC. Second, the Commission has incorporated into the proposed information requests detailed guidance, instructions, and templates for companies to use when responding, in order to promote clarity and efficiency.

F. Other Requests Contained in Comments

Children Now requested that the FTC obtain information from children's media companies regarding their policies for, and revenues from, licensing characters used to promote food and beverage products. The FMC Workgoup also requested that the Commission gather information from media companies. To be consistent with the FTC's prior information collection, the Commission does not intend to expand the scope of the proposed recipients to include children's media companies. The Commission believes it will be able to glean relevant information about media companies' policies and practices on use of licensed characters in food marketing via the information on cross-promotions and use of licensed characters that will be provided by the food and beverage companies.[22]

The FMC Workgroup suggested that the FTC collect information on: (1) the extent to which companies gather personally identifiable information from children and teens; and (2) the scope of data profiles that companies maintain on youth populations. These issues are outside the scope of Commission's focus on food marketing to children and adolescents.

III. Burden Estimates, Document Retention, and Confidentiality

A. Estimated Hours Burden: 17,550 hours

The FTC staff's estimate of the hours burden is based on the time required to respond to each information request. The Commission intends to issue the information requests to 48 parent companies of food and beverage and quick service restaurant advertisers. Because these companies vary in size, in the number of products they market to children and adolescents, and in the extent and variety of their marketing and advertising, the FTC staff has provided a range of the estimated hours burden.

Based upon its knowledge of the industries and experience with the 2007 Orders and input from the GMA, the staff estimates, on average, that the time required to gather, organize, format, and produce responses to the 6(b) Orders will range between 150-300 hours per information request for companies that market a single category of product to children and adolescents; thus, an average of 225 hours. Similarly, the FTC staff estimates that companies that market multiple categories of products to children and adolescents will spend between 300-900 hours to respond to an information request; thus, an average of 600 hours. The total estimated burden per company is based on the following assumptions:

Identify, obtain, and organize product information; prepare response: 25-175 hours

Identify, obtain, and organize information on marketing expenditures; prepare response: 50-250 hours[23]

Identify, obtain, and organize information on, and samples of, marketing activities; prepare response: 25-200 hours

Identify, obtain, and organize information regarding product nutrition information and healthy initiatives; prepare response: 30-200 hours

Identify, obtain, and organize information regarding market research and marketing to youth of a specific gender, race, ethnicity, or income level; prepare response: 20-75 hours

Total: 150-900 hours

[19] FTC 2008 Report at Appendix A, at A-4.

[20] The data provide a snapshot comparing calendar years 2006 to 2009; the FTC does not propose to seek information on each nutritional change that occurred between 2006 and 2009 for individual products.

[21] 21 U.S.C. 343(q); 21 CFR 101.9.

[22] In a separate inquiry, the FTC staff is analyzing information about how media companies license their character properties and attendant policies for their use.

[23] For companies that use substantial amounts of unmeasured media for advertising and promotional activities, the hours required to respond will be greater than for companies that utilize only small amounts of unmeasured media.

The Commission intends to send 30 information requests to parent companies that market a single category of product to children and adolescents. As a result, the staff estimates a total burden for these companies of approximately 6,750 hours (30 companies x 225 average burden hours per company). The Commission intends to send 18 information requests to parent companies that market multiple categories of products to children and adolescents. As a result, the staff estimates a total burden for these companies of approximately 10,800 hours (18 companies x 600 average burden hours per company). Thus, the staff's estimate of the total burden is approximately 17,550 hours. These estimates include any time spent by separately incorporated subsidiaries and other entities affiliated with the parent company that has received the information request.

B. Estimated Cost Burden: $5,265,000

It is difficult to calculate with precision the labor costs associated with this data production, as they entail varying compensation levels of management and/or support staff among companies of different sizes. Financial, legal, marketing, and clerical personnel may be involved in the information collection process. The FTC staff has assumed that professional personnel and outside legal counsel will handle most of the tasks involved in gathering and producing responsive information, and has applied an average hourly wage of $300/hour for their labor. Thus, the staff estimates that the total labor costs for the information requests will be approximately $5,265,000 (($300 x 6,750 hours for companies that market a single category) + ($300 x 10,800 hours for companies that market multiple categories)).

The FTC staff estimates that the capital or other non-labor costs associated with the information requests will be minimal. Although the information requests may necessitate that industry members maintain the requested information provided to the Commission, they should already have in place the means to compile and maintain business records.

C. Document Retention and Confidentiality

1. Document Retention

Potential recipients of the compulsory process orders must retain potentially responsive documents and information. Subsequent to this notice, any destruction, removal, mutilation, alteration, or falsification of documentary evidence that may be responsive to this information collection within the possession or control of a person, partnership, or corporation subject to the FTC Act may be subject to criminal prosecution. 15 U.S.C. 50; *see also* 18 U.S.C. 1505.

2. Confidentiality

Section 6(f) of the FTC Act, 15 U.S.C. 46(f), bars the Commission from publicly disclosing trade secrets or confidential commercial or financial information it receives from persons pursuant to, among other methods, special orders authorized by Section 6(b) of the FTC Act. Such information also would be exempt from disclosure under the Freedom of Information Act. 5 U.S.C. 552(b)(4). Moreover, under Section 21(c) of the FTC Act, 15 U.S.C. 57b-2(c), a submitter who designates a submission as confidential is entitled to 10 days' advance notice of any anticipated public disclosure by the Commission, assuming that the Commission has determined that the information does not, in fact, constitute Section 6(f) material. Although materials covered under one or more of these various sections are protected by stringent confidentiality constraints, the FTC Act and the Commission's rules authorize disclosure in limited circumstances (*e.g.*, official requests by Congress, requests from other agencies for law enforcement purposes, and administrative or judicial proceedings). Even in those limited contexts, however, the Commission's rules may afford protections to the submitter, such as advance notice to seek a protective order in litigation. *See* 15 U.S.C. 57b-2; 16 CFR 4.9-4.11.

Finally, the information presented in the report will not reveal company-specific data, except data that are public. *See* 15 U.S.C. 57b-2(d)(1)(B). Rather, the Commission anticipates providing information on an anonymous or aggregated basis, in a manner sufficient to protect individual companies' confidential information, to provide a factual summary of: (1) food industry marketing activities and expenditures targeted to children and adolescents; and (2) nutritional information about the companies' food and beverage products marketed to children and adolescents.

IV. Instructions for Submitting Comments

Interested parties are invited to submit written comments electronically or in paper form. All comments must be received on or before June 24, 2010. Comments should refer to the "Food Industry Marketing to Children Report: Paperwork Comment; Project No. P094511" 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 Website, at (*http://www.ftc.gov/os/publiccomments.shtm*).

Because comments will be made public, they should not include any sensitive personal information, such as an 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 any "[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 FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material 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), 16 CFR 4.9(c).[24]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comment in electronic form. Comments filed in electronic form should be submitted by using the following weblink:

(*https://public.commentworks.com/ftc/foodmarketingPRA2*) (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 (*https://public.commentworks.com/ftc/foodmarketingPRA2*) weblink. If this Notice appears at (*http://www.regulations.gov/search/Regs/home.html#home*), you may also file an electronic comment through that website. The Commission will consider all comments that (*http://www.regulations.gov*) forwards to it. You may also visit the FTC website at (*http://www.ftc.gov/*) to read the Notice and the news release describing it.

[24] 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).

A comment filed in paper form should include the reference "Food Industry Marketing to Children and Adolescents Study: Paperwork Comment; Project No. P094511" both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-135 (Annex J), 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

Comments on the proposed reporting requirements, which are subject to OMB review under the PRA, should additionally be submitted to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Federal Trade Commission. Comments should be submitted via facsimile to (202) 395-5167 because U.S. postal mail at the OMB is subject to delays due to heightened security precautions.

The FTC Act and other laws 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 Website, 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 Website. 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*).

David C. Shonka,

Acting General Counsel.

[FR Doc. 2010–12511 Filed 5–24–10; 8:45 am]

BILLING CODE 6750–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–10–10DT]

Proposed Data Collections Submitted for Public Comment and Recommendations

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 Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Maryam Daneshvar, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

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 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. Written comments should be received within 60 days of this notice.

Proposed Project

Monitoring and Reporting System for Chronic Disease Prevention and Control Programs—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Chronic diseases are the leading causes of death and disability in the United States, accounting for seven of every ten deaths and affecting the quality of life for 90 million Americans. Chronic diseases represent 83% of all U.S. health care spending.

The National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) provides funding to health departments in States, territories, and the District of Columbia to implement and evaluate chronic disease prevention and control programs. Traditionally, support has been provided through cooperative agreements that are specific to a chronic disease or condition. In 2009, CDC announced a new cooperative agreement program for collaborative chronic disease prevention and health promotion programs (RFA DP09–901; authorized under sections 301, 307, 310, and 311 of the Public Health Service Act [42 U.S.C. 241 and 247(b)(k)). The new program streamlines funding, communication and collaboration in four areas that have previously been funded and evaluated independently: Tobacco control, diabetes prevention and control, State-based surveillance through the Behavioral Risk Factor Surveillance System (BRFSS), and the Healthy Communities initiative. Awardees are the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. The new cooperative agreement encourages each awardee to collaborate with partners (both internal and external to the State health department) to develop and implement a multi-year, statewide strategic plan.

CDC requests OMB approval to collect information from the four specified State programs through a new, electronic Management Information System (MIS). Upon approval, the new information collection system will replace two previously approved information collections for tobacco control programs (OMB No. 0920–0601, exp. 5/31/2010), and diabetes prevention and control programs (OMB No. 0920–0479, exp. 4/30/2013), and harmonize their content. In addition, the new MIS will provide a common progress reporting framework for State-based BRFSS programs and Healthy Community programs, which have previously reported progress information to CDC using standard progress reporting forms for cooperative agreement awardees (OMB No. 4040–0004, exp. 3/31/2012).

Information will be collected on each program's objectives, planning activities, resources, partnerships, policy and environmental strategies for preventing or controlling chronic diseases, and progress toward meeting goals. The increased emphasis on partnership and collaboration is intended to identify priorities, gaps in chronic disease prevention and health promotion activities, and opportunities to leverage CDC and State (Federal and non-Federal) resources. Information will be collected electronically through a new Management Information System (MIS). The collection of information, in a uniform and efficient manner, will reduce duplicative reporting

requirements for awardees, minimize respondent burden, facilitate collaborative efforts and provide common performance metrics across program areas. The collaborative cooperative agreement is part of an initiative within NCCDPHP to standardize and streamline the funding and performance monitoring processes for programs funded through the Center; to promote more efficient ways to use resources; and to achieve greater health impact. The objectives for awardees, and the performance indicators defined for them, reflect CDC's support for more integrated approaches to the prevention and control of chronic conditions.

Awardees will use the information collection to manage and coordinate their activities and to improve their efforts to prevent and control chronic diseases. The MIS will allow awardees to fulfill their reporting obligations under the cooperative agreements in an efficient manner by employing a single instrument to collect necessary information for both progress reports and continuation applications including work plans.

CDC will use the information collected in the MIS to monitor each awardee's progress and to make adjustments, as needed, in the type and level of technical assistance provided to them. The information collection will allow CDC to oversee the use of Federal funds, and identify and disseminate information about successful prevention and control strategies implemented by awardees. CDC will also use the information collection to respond to Congressional and stakeholder inquiries about chronic disease control activities, program implementation, and program impact. Finally, the information collection will allow CDC to evaluate the success of the collaborative funding model which places increased emphasis on partnerships as well as policy and environmental strategies for preventing and controlling chronic diseases.

Information will be collected from each State-based program twice per year. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden
State Diabetes Program	53	2	6	636
State Tobacco Program	53	2	6	636
State BRFSS Program	53	2	6	636
State Healthy Communities Program	53	2	6	636
Total				2,544

Carol Walker,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2010–12537 Filed 5–24–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, e-mail *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer at (301) 443–1129.

Comments are invited on: (a) The proposed collection of information for the proper performance of the functions of the agency; (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.

Proposed Project: Healthcare Integrity and Protection Data Bank for Final Adverse Information on Health Care Providers, Suppliers and Practitioners (45 CFR 61) (OMB No. 0915–0239)—[Extension]

This is a request for extension of OMB approval of the information collections contained in regulations found in 45 CFR part 61 governing the Healthcare Integrity and Protection Data Bank (HIPDB) and the forms to be used in reporting information to and requesting information from the HIPDB cleared under OMB No. 0915–0239. The HIPDB is authorized by section 1128E of the Social Security Act (hereinafter referred to as section 1128E), as added by section 221(a) of the Health Insurance Portability and Accountability Act of 1996. Section 1128E directs the Secretary of Health and Human Services (the Secretary) to establish a national health care fraud and abuse data collection program for the reporting and disclosing of certain final adverse actions (excluding settlements in which no findings of liability have been made) taken against health care providers, suppliers, or practitioners. It also directs the Secretary to maintain a database of final adverse actions taken against health care providers, suppliers, or practitioners. The regulations implementing section 1128E governing the operation of the HIPDB are codified at 45 CFR part 61. The HIPDB became operational November 22, 1999.

Approval is requested to continue the following reporting data collection and disclosure requirements and the ensuing HIPDB forms along with the instructions. The recordkeeping, reporting, and disclosure requirements are specified in the regulations to implement the HIPDB. The annual estimate of burden is as follows:

DISTRIBUTION OF BURDEN BY REGULATORY CITATION

Regulation citation	No. of respondents	Responses per respondent	Total responses**	Hours per response	Total burden hours	Wage rate	Total cost
§61.6 (a), (b)							
Errors & Omissions	188	4.4	817	15 min.	204.25	$25	$5,106
§61.6							
Revisions/Appeal Status.	130	26.9	3,492	30 min.	1,746	25	43,650
§61.7							
Reporting By State Licensure Boards.	305	80.8	24,640	45 min.	18,480	25	462,000
§61.8							
Reporting of State Criminal Convictions.	45	56	2,518	45 min.	1,888.5	43	81,205
§61.9							
Reporting of Civil Judgments.	4	2.5	10	45 min.	7.5	43	322
§61.10 (b)							
Reporting Exclusions from participation in Federal and State Health Care Programs.	9	320.3	2,883	20 min.	961.0	38	36,518
§61.11							
Reporting of Adjudicated Actions/ Decisions.	92	17	1562	45 min.	1,171.5	43	50,375
§61.12 Request for Information							
State and Federal Agencies.	855	279.3	238,814	5 min.	19,901.26	25	497,531.50
Health Plans	1,239	532.4	659,617	5 min.	54,968.1	30	1,649,043
Health Care Providers, Suppliers and Practitioners (self query).	50,416	1	50,416	25 min.	21,006.7	45	945,301.50
§61.12(a)(4)							
Requests by Researchers for Aggregate Data.	1	1	1	30 min.	.5	38	19
§61.15							
Dispute Report	300	1	300	5 min	25	45	1,125
Add Report Statement.	669	1	669	45 min	501.8	100	50,180
Request for Secretarial Review.	15	1	15	480 min	120	200	24,000
Administrative Forms*	0	0	0	0	0	0	0
Total	54,268	.....	985,754	.....	120,982.11	.....	3,846,376

*__Note:__ The burden for Administrative Forms has been accounted for in the NPDB OMB clearance renewal submission.
**Numbers in the table may not add up exactly due to rounding.

E-mail comments to *paperwork@hrsa.gov* or mail the HRSA Reports Clearance Officer, Room 10–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: May 19, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–12516 Filed 5–24–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day10–09BY]

Proposed Data Collections Submitted for Public Comment and Recommendations

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 Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960, send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

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 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. Written comments should be received within 60 days of this notice.

Proposed Project

Healthy Homes and Lead Poisoning Surveillance System (HHLPSS)—New—National Center for Environmental Health (NCEH) and Agency for Toxic Substances and Disease Registry (ATSDR)/Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The overarching goal of the Healthy Homes and Lead Poisoning Surveillance System (HHLPSS) is to establish Healthy Homes Surveillance Systems at the state and national levels. Currently, 40 state and local Childhood Lead Poisoning Prevention Programs (CLPPP) report information (*e.g.,* presence of lead paint, age of housing, and type of housing) to CDC via the National Blood Lead Surveillance System (NBLSS) (OMB No. 0920–0337, exp. 1/31/2012). The addition of a new panel of housing questions would help to provide a more comprehensive picture of housing stock in the United States and potentially modifiable risk factors.

The objectives for developing this system are two-fold. First, the program would like to use surveillance data to estimate the extent of housing-related injuries and asthma. This is important because it will allow the program to systematically track the management and follow-up of those residents with these health outcomes.

The next objective for the development of this system is to examine potential housing-related risk factors. Childhood lead poisoning is just one of many adverse health conditions that are related to common housing deficiencies. Multiple hazards in housing, *e.g.,* mold, vermin, radon and the lack of safety devices, continue to adversely affect the health of residents. It is in the interest of public health to expand from a single focus on lead poisoning prevention to a coordinated, comprehensive, and systematic approach to eliminating multiple housing-related health hazards.

HHLPSS builds upon previous efforts by the NBLSS. While the earlier NBLSS was focused on homes of children less than six years old, the new HHLPSS, upon approval, will replace the NBLSS and will enable flexibility to evaluate all homes, regardless of the presence of children < age 6 years.

There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden hours
State and Local Health Departments for Child Surveillance	40	4	4	640
Total				640

Carol Walker,

Acting Reports Clearance Officer,Centers for Disease Control and Prevention.

[FR Doc. 2010–12538 Filed 5–24–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Miner Safety and Health Training—Western United States, Request for Application (RFA) OH10–001, Initial Review

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the aforementioned meeting:

Time and Date: 8:30 a.m.–5 p.m., June 15, 2010 (Closed).

Place: Hyatt Regency Pittsburgh International Airport, 1111 Airport Boulevard, Pittsburgh, Pennsylvania 15231.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5, U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Section 10(d) of Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Miner Safety and Health Training Program—Western United States, RFA OH10–001."

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: S. Price Connor, PhD, Scientific Review Officer, Office of Extramural Programs, CDC, 1600 Clifton Road, NE., Mailstop E–74, Atlanta, Georgia 30333, Telephone (404) 498–2511.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: May 18, 2010.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2010–12564 Filed 5–24–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0260]

Draft Guidance for Industry: Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007 (Edition 2); Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled

"Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007 (Edition 2)." The draft guidance provides information to the industry in complying with the Reportable Food Registry requirements prescribed by the Food and Drug Administration Amendments Act of 2007 (FDAAA). Further, the draft guidance addresses inquiries that the agency has received through its Reportable Food Registry help desk and/or by other means since the implementation of the Reportable Food Registry on September 8, 2009, and provides information on the new Safety Reporting Portal. The agency is also seeking comments from industry on the Reportable Food Registry requirements, and specifically on the issue of "transfer" as discussed in the current Edition 1, and draft Edition 2 guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comments on the draft guidance before it begins work on the final version of the guidance, submit electronic or written comments on the draft guidance by July 26, 2010.

ADDRESSES: Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written requests for single copies of the draft guidance to the Office of Food Defense, Communication and Emergency Response (HFS–005), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Faye Feldstein, Center for Food Safety and Applied Nutrition (HFS–005), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–2428.

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2007, the President signed into law the Food and Drug Administration Amendments Act of 2007 (FDAAA). This law amends the Federal Food, Drug, and Cosmetic Act (the act) by creating a new section 417 (21 U.S.C. 350f), Reportable Food Registry. Section 417 of the act requires the Secretary of Health and Human Services (the Secretary) to establish within FDA a Reportable Food Registry. The congressionally-identified purpose of the Reportable Food Registry is to provide a "reliable mechanism to track patterns of adulteration in food [which] would support efforts by the Food and Drug Administration to target limited inspection resources to protect the public health" (Pubic Law 110–085, section 1005(a)(4)). The Secretary has delegated to the Commissioner of Food and Drugs the responsibility for administering the act, including section 417. To further the development of the Reportable Food Registry, section 417 of the act requires FDA to establish an electronic portal by which instances of reportable food must be submitted to FDA by responsible parties and may be submitted by public health officials. After receipt of reports through the electronic portal, FDA is required to review and assess the information submitted for purposes of identifying reportable food, submitting entries to the Reportable Food Registry, issuing an alert or notification as FDA deems necessary, and exercising other existing food safety authorities under the act to protect the public health. The requirements under the Reportable Food Registry became effective on September 8, 2009.

In the **Federal Register** of June 11, 2009, FDA announced the availability of a draft guidance entitled "Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007" and gave interested parties an opportunity to submit comments by July 27, 2009 (74 FR 27803). The agency reviewed and evaluated these comments and issued a final guidance on September 9, 2009 (74 FR 46434). This draft guidance is the second edition of that guidance entitled "Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007 (Edition 2)" and responds to inquiries that the agency has received through its Reportable Food Registry help desk and/or by other means since the implementation of the Reportable Food Registry on September 8, 2009, and informs industry about the new Safety Reporting Portal. The Safety Reporting Portal is a joint FDA-National Institutes of Health (NIH) system that facilitates the process of reporting several categories of safety information to the FDA and the NIH. As of May 24, 2010, the Reportable Food electronic portal will be a part of the Safety Reporting Portal.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on the topics discussed. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternate approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in this guidance were approved under OMB control numbers 0910–0643 and 0910–0645. This guidance also refers to previously approved collections of information found in FDA regulations. The collection of information in 21 CFR 7.46 has been approved under OMB control number 0910–0249.

III. Request for Comments

In addition, although the industry is encouraged to submit comments regarding any of the requirements under the Reportable Food Registry, the agency is seeking comments specifically with regard to the meaning of the word "transfer" as it appears in section 417(d)(2)(B) of the act. The meaning of the word "transfer" in this context was discussed in Edition 1 of the guidance at Question and Answer numbers 27 and 28, and in the draft Edition 2 guidance at Question and Answer numbers E.4 and E.5.

Section 417(d)(2) of the act provides an exemption from the requirement that a responsible party submit a reportable food report. In order for the exemption to apply, the adulteration must have originated with the responsible party, the responsible party must have detected the adulteration "prior to any transfer to another person" of the article of food, and the responsible party must have corrected the adulteration or destroyed the food. However, Congress did not provide a definition for the term "transfer" as it is used in section 417(d)(2)(B) of the act. In Edition 1 of the guidance at Question and Answer numbers 27 and 28, and in the draft Edition 2 guidance at Question and Answer numbers E.4 and E.5, FDA said that a transfer to another person occurs when the responsible person releases the food to another person. In this document, FDA is asking for comment on whether this interpretation of the term "transfer" is appropriate, and if not,

what other interpretations of the term "transfer" as it is used in section 417(d)(B)(2) of the act would be more appropriate. Specifically, we are requesting comment on whether the interpretation of the term "transfer" should be dependent upon possession of the food, whether the interpretation should be dependent on ownership of the food, or whether there are other interpretations we should consider, such as a combination of possession and/or ownership.

IV. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

V. Electronic Access

Persons with access to the Internet may obtain the draft guidance at *http://www.fda.gov/FoodGuidances* or *http://www.regulations.gov*.

Dated: May 19, 2010.

David Dorsey,

Acting Deputy Commissioner for Policy, Planning and Budget.

[FR Doc. 2010–12456 Filed 5–24–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–D–0241]

Draft Guidance for Industry on Data Elements for Submission of Veterinary Adverse Event Reports to the Center for Veterinary Medicine; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry #188 entitled "Data Elements for Submission of Veterinary Adverse Event Reports to the Center for Veterinary Medicine." The purpose of this draft guidance is to assist sponsors or non-applicants with filling out form FDA 1932, "Veterinary Adverse Drug Reaction, Lack of Effectiveness, Product Defect Report," as required by FDA regulations.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by August 9, 2010.

ADDRESSES: Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lynn Post, Center for Veterinary Medicine (HFV–210), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9191, email: *Lynn.Post@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry #188 entitled "Data Elements for Submission of Veterinary Adverse Event Reports to the Center for Veterinary Medicine." The purpose of this draft guidance is to assist sponsors or non-applicants with filling out Form FDA 1932, in both paper and electronic format. Section 512(l) of the Federal Food, Drug and Cosmetic Act (the act) (21 U.S.C. 360b(l)) and § 514.80(b) (21 CFR 514.80(b)) require applicants of approved new animal drug applications (NADAs) and approved abbreviated new animal drug applications (ANADAs) to report adverse drug experiences and product/manufacturing defects.

This continuous monitoring of approved NADAs and ANADAs affords the primary means by which FDA obtains information regarding potential problems with the safety and efficacy of marketed approved new animal drugs as well as potential product/manufacturing problems. Post-approval marketing surveillance is important because data previously submitted to FDA may no longer be adequate, as animal drug effects can change over time and less apparent effects may take years to manifest. An applicant must report adverse drug experiences and product/manufacturing defects on Form FDA 1932, "Veterinary Adverse Drug Reaction, Lack of Effectiveness, Product Defect Report."

II. Significance of Guidance

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in section 512(l) of the act and § 514.80 have been approved under OMB Control No. 0910–0645.

IV. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. It is only necessary to send one set of comments. It is no longer necessary to send two copies of mailed comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

V. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/AnimalVeterinary/default.htm* or *http://www.regulations.gov*.

Dated: May 19, 2010.

David Dorsey,

Acting Deputy Commissioner for Policy, Planning and Budget.

[FR Doc. 2010–12454 Filed 5–24–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Committee on Rural Health and Human Services; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the following Committee will convene its sixty-third meeting.

Name: National Advisory Committee on Rural Health and Human Services.

Dates and Times: June 14, 2010, 9 a.m.–4:45 p.m.
June 15, 2010, 8:30 a.m.–4 p.m.
June 16, 2010, 8:45 a.m.–11 a.m.

Place: Doubletree Guest Suites Charleston-Historic District, 181 Church Street, Charleston, SC 29401.

Phone: 843–577–2644.

Status: The meeting will be open to the public.

Purpose: The National Advisory Committee on Rural Health and Human Services provides advice and recommendations to the Secretary with respect to the delivery, research, development and administration of health and human services in rural areas.

Agenda: Monday morning, at 9 a.m., the meeting will be called to order by the Chairperson of the Committee, the Honorable David Beasley. The first two presentations will be overviews of rural South Carolina. The remainder of the day the Committee will hear presentations on the three chosen Subcommittee topics. The first panel will focus on childhood obesity in rural communities. The second panel will focus on rural implications of the HHS Caring Communities for Young Children Initiative. The final panel of the day is focusing on the rural implications of payment bundling and accountable care organizations. After the panel discussions, the Committee Chair will give an overview of the site visits. This will be followed by a call for public comment. The Monday meeting will close at 4:45 p.m.

Tuesday morning, at 8:30 a.m., the Committee will break into Subcommittees and depart to the site visits. The Childhood Obesity Subcommittee and the Young Children's Initiative Subcommittee will meet at Eat Smart, Move More—Walterboro, SC. The Payment Bundling Subcommittee will meet in Manning, SC at Clarendon Memorial Hospital. The subcommittees will return to the Doubletree Hotel in Charleston at 4 p.m. Transportation to the site visits will not be provided to the public. The Tuesday meeting will close at 4 p.m.

The final session will be convened on Wednesday morning at 8:45 a.m. The meeting will open with a review of the Subcommittee site visits. The staff of the Office of Rural Health Policy will provide an update on the Department of Health and Human Services. The Committee will draft a letter to the Secretary or Designee and discuss the September 2010 meeting. The meeting will be adjourned at 11 a.m.

FOR FURTHER INFORMATION CONTACT: Thomas Morris, MPA, Acting Executive Secretary, National Advisory Committee on Rural Health and Human Services, Health Resources and Services Administration, Parklawn Building, Room 10B–45, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–0835, Fax (301) 443–2803.

Persons interested in attending any portion of the meeting should contact Michele Pray Gibson, Office of Rural Health Policy (ORHP), and Telephone (301) 443–0835. The Committee meeting agenda will be posted on ORHP's Web site *http://www.ruralhealth.hrsa.gov.*

Dated: May 19, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–12515 Filed 5–24–10; 8:45 am]

BILLING CODE 4165–15–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, Career Development Grant Review.

Date: June 17, 2010.

Time: 10:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Quirijn Vos, PhD, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIH/NIAID/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301–451–2666, *qvos@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: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12545 Filed 5–24–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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: Heart, Lung, and Blood Initial Review Group, Clinical Trials Review Committee.

Date: June 28–29, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Keary A Cope, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892–7924, 301–435–2222, *copeka@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12550 Filed 5–24–10; 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, Academic Community Partnership Conference Series.

Date: June 14, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Michele C. Hindi-Alexander, PhD, Division of Scientific Review, National Institutes of Health, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 1600 Executive Boulevard, Rm. 5B01, Bethesda, MD 20892. (301) 435–8382. *hindialm@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: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12575 Filed 5–24–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Cognitive Remediation Approaches to Improve Drug Abuse Treatment Outcomes.

Date: July 1, 2010.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Kristen V. Huntley, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, 301–435–1433, *huntleyk@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Initial Review Group, Training and Career Development Subcommittee.

Date: July 13–14, 2010.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Kristen V. Huntley, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, 301–435–1433, *huntleyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12573 Filed 5–24–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 USC, as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Conference Grant (R13) Review.

Date: June 16, 2010.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Gerald L. McLaughlin, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Blvd., Bethesda, MD 301–402–6626, *gm145a@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12571 Filed 5–24–10; 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: Musculoskeletal, Oral and Skin Sciences Integrated Review Group;

Skeletal Biology Structure and Regeneration Study Section.

Date: June 14–15, 2010.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Daniel F. McDonald, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Hypertension and Microcirculation Study Section.

Date: June 15, 2010.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Ai-Ping Zou, MD, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–435–1777, *zouai@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Oral, Dental and Craniofacial Sciences Study Section.

Date: June 15–16, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Yi-Hsin Liu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–451–1327, *liuyh@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Bacterial Pathogenesis Study Section.

Date: June 15–16, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental Harbor Court Baltimore, 550 Light Street, Baltimore, MD 21202.

Contact Person: Richard G Kostriken, PhD, Scientific Review Officer, Center For Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, (301) 402–4454, *kostrikr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cellular Neuroscience.

Date: June 15–16, 2010.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Geoffrey G. Schofield, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, 301–435–1235, *geoffreys@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Epidemiology and Genetics of Chronic Diseases.

Date: June 15, 2010.

Time: 11 a.m. to 12:30 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: Fungai Chanetsa, MPH, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Healthcare Delivery and Methodologies Biostatistical Methods and Research Design Study Section.

Date: June 16, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

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: Biological Rhythms and Sleep.

Date: June 16–17, 2010.

Time: 8 a.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: Edwin C Clayton, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, 301–408–9041, *claytone@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Immunity and Host Defense, and Inflammation.

Date: June 16, 2010.

Time: 9:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: (Virtual Meeting). Calbert A. Laing, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4210, MSC 7812, Bethesda, MD 20892, 301–435–1221, *laingc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Oral, Dental and Craniofacial Sciences.

Date: June 16, 2010.

Time: 10:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Rajiv Kumar, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurodevices, Neuroimaging and Neurological Disorders.

Date: June 16, 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: Vilen A. Movsesyan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.

Date: June 17–18, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Michael Micklin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3136, MSC 7759, Bethesda, MD 20892, (301) 435–1258, *micklinm@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Clinical and Integrative Cardiovascular Sciences Study Section.

Date: June 17–18, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Russell T. Dowell, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892, (301) 435–1850, *dowellr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR08–024: Roadmap HTS Assay Development.

Date: June 17–18, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Courtyard Chicago Magnificent Mile, 165 East Ontario Street, Chicago, IL 60611.

Contact Person: James J. Li, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Selected Topics in Transfusion Medicine.

Date: June 17, 2010.

Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Beacon Hotel and Corporate Quarters, 1615 Rhode Island Avenue, NW., Washington, DC 20036.
Contact Person: Delia Tang, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301–435–2506, *tangd@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–10–011: ARRA Comparative Effectiveness Research Mentored Career Development Award.
Date: June 17, 2010.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites, 1000 29th Street, NW., Washington, DC 20007.
Contact Person: Suzanne Ryan, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892, (301) 435–1712, *ryansj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Population Sciences and Epidemiology.
Date: June 17, 2010.
Time: 10 a.m. to 1 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: J. Scott Osborne, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, (301) 435–1782, *osbornes@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: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12570 Filed 5–24–10; 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, June 4, 2010, 2 p.m. to June 4, 2010, 6 p.m., Doubletree Hotel Chicago O'Hare Airport-Rosemont, 5460 North River Road, Rosemont, IL 60018 which was published in the **Federal Register** on May 11, 2010, 75 FR 26261–26262.

The meeting will be held at the Embassy Suites Chicago-O'Hare/Rosemont, 5500 North River Road, Rosemont, IL 60018. The meeting date and time remain the same. The meeting is closed to the public.

Dated: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12569 Filed 5–24–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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: Heart, Lung, and Blood Initial Review Group, NHLBI Institutional Training Mechanism Review Committee.
Date: June 17–18, 2010.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Charles Joyce, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892–7924. 301–435–0288. *cjoyce@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12568 Filed 5–24–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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: Heart, Lung, and Blood Initial Review Group; Heart, Lung, and Blood Program Project Review Committee.
Date: June 18, 2010.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jeffrey H. Hurst, PhD, Scientific Review Officer, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892–7924, 301–435–0303, *hurstj@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12548 Filed 5–24–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center on Minority and Health Disparities; 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 materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center on Minority Health and Health Disparities Special NCMHD Health Disparities Research on Minority and Underserved Population (R01).

Date: June 16–18, 2010.

Time: 5:30 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavillion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Prabha L. Atreya, PhD, Chief, Office of Scientific Review, National Center on Minority Health and Health Disparities, 6707 Democracy Boulevard, Suite 800, Bethesda, MD 20892. (301) 594–8696, *atreyapr@mail.nih.gov.*

Dated: May 19, 2010.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010–12543 Filed 5–24–10; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Availability of the Draft Programmatic Environmental Assessment for the Deployment and Operation of High Energy X-Ray Inspection Systems at Sea and Land Ports of Entry

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of availability of draft Programmatic Environmental Assessment and request for comments.

SUMMARY: U.S. Customs and Border Protection (CBP) is advising the public that a draft Programmatic Environmental Assessment (PEA) for High Energy X-Ray Inspection Systems (HEXRIS) at sea and land ports of entry has been prepared and is available for public review. The draft PEA analyzes the potential environmental impacts due to the use of HEXRIS. CBP seeks public comment on the draft PEA. CBP will consider comments before issuing a final PEA.

DATES: The draft PEA will be available for public review and comment for a period of 30 days beginning on the date this document is published in the **Federal Register**. To ensure consideration, comments must be received by June 24, 2010. Comments regarding the draft PEA may be submitted as set forth in the **ADDRESSES** section of this document.

ADDRESSES: Copies of the draft PEA may be obtained by accessing the following Internet address: *http://ecso.swf.usace.army.mil/Pages/Publicreview.cfm,* or by sending a request to Guy Feyen of CBP by telephone (202–344–1531), by fax (202–344–1418), by e-mail to *guy.feyen@dhs.gov* or by writing to: CBP, Attn: Guy Feyen, 1300 Pennsylvania Avenue, NW., Suite 1575, Washington, DC 20229.

You may submit comments on the draft PEA by mail or e-mail. Comments are to be addressed to CBP, Attention: Guy Feyen, 1300 Pennsylvania Avenue, NW., Suite 1575, Washington, DC 20229, or sent to *guy.feyen@dhs.gov.*

Substantive comments received during the comment period will be addressed in, and included as an appendix to, the final PEA. The final PEA will be made available to the public through a Notice of Availability in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Antoinette DiVittorio, Environmental and Energy Division, U.S. Customs and Border Protection, telephone (202) 344–3131.

SUPPLEMENTARY INFORMATION:

Background

A draft Programmatic Environmental Assessment (PEA) for the deployment and operation of High Energy X-Ray Inspection Systems (HEXRIS) at sea and land ports of entry has been completed by the U.S. Customs and Border Protection (CBP), Office of Information and Technology, Laboratories and Scientific Services, Interdiction Technology Branch. The draft PEA is available for public comment.

HEXRIS is a non-intrusive inspection technology that is used to aid in inspecting high-density cargo containers for contraband such as illicit drugs, currency, guns, and weapons of mass destruction. To assist in meeting CBP's mission requirements of securing the borders of the United States while simultaneously facilitating legitimate trade and travel, HEXRIS units are proposed to be deployed and operated at both sea and land ports of entry across the U.S. and Puerto Rico. HEXRIS fills a unique niche in the types of inspection tools used by CBP at the nation's ports of entry. HEXRIS is capable of penetrating dense cargo loads that cannot otherwise be examined with other technologies such as gamma imaging systems or low-energy X-ray systems. HEXRIS will also assist in fulfilling the requirement for the 100% scanning of containers entering the U.S. as directed in the Security and Accountability for Every (SAFE) Port Act of 2006. Public Law 109–347 (Oct. 13, 2006).

The draft PEA addresses the potential impacts from the installation and operation of HEXRIS at various ports throughout the United States for the purpose of conducting non-intrusive inspections of high density cargo containers. Evaluations were conducted on various resources present at the ports, including: Climate, soils, water quality, air quality, vegetation, wildlife, noise, infrastructure, aesthetics, and radiological heath and safety.

Next Steps

This process is being conducted pursuant to the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations for Implementing the NEPA (40 CFR parts 1500–1508), and Department of Homeland Security Management Directive 5100.1, *Environmental Planning Program of April 19, 2006.*

Substantive comments concerning environmental impacts received from the public and agencies during the comment period will be evaluated to determine whether further environmental impact review is needed in order to complete the final PEA. Should CBP determine that the implementation of the proposed action would not have a significant impact on the environment, it will prepare a Finding of No Significant Impact (FONSI). The FONSI would be published in the **Federal Register**.

Should CBP determine that significant environmental impacts exist due to the action, CBP will prepare a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).

This NOI to prepare an EIS would be published in the **Federal Register**.

Dated: May 18, 2010.

Gregory Giddens,

Executive Director, Facilities Management and Engineering, Office of Administration.

[FR Doc. 2010–12512 Filed 5–24–10; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2009–0384]

Maritime Security Directive 104–6 (Rev 2 and 3); Guidelines for U.S. Vessels Operating in High Risk Waters

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the release of Maritime Security (MARSEC) Directive 104–6 (Rev 2 and 3). This Directive only applies to U.S. flagged vessels subject to the Maritime Transportation Security Act (MTSA) on international voyages through or in designated high risk waters, and provides additional anti-piracy guidance and mandatory measures for these vessels operating in these areas where acts of piracy and armed robbery against ships are prevalent. MARSEC Directive 104–6 (Rev 2 and 3) also includes an annex that provides specific direction for vessels operating around the Horn of Africa. MARSEC Directives are designated Sensitive Security Information (SSI) and are not subject to public release.

DATES: MARSEC Directive 104–6 (Rev 2 and 3) are available on May 25, 2010.

ADDRESSES: The latest MARSEC Directives are available at your local Captain of the Port (COTP) office. Phone numbers and addresses for your local COTP office can be found in the Port Directory at *http://homeport.uscg.mil.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call LCDR James T. Fogle, Office of Vessel Activities, Coast Guard, telephone 202—372–1038, e-mail *James.T.Fogle@uscg.mil.* If you have questions on viewing material on the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Somali pirates operate along a 2,300 mile coast and in 2.5 million square miles of ocean. Given the size and complexity of the affected area, a combination of domestic and international efforts is necessary to curb piratical activities. The combination of piracy and weak rule of law in the region offers a potential breeding ground for other transnational threats. Accordingly, the U.S. has used existing statutory authority to develop regulations designed to protect U.S.-flagged vessels and continues to work with international partners to prevent piracy.

On February 10, 2006, the Coast Guard announced the release of MARSEC Directive 104–6 (71 FR 7054) for those owners and operators of vessels subject to 33 CFR parts 101 and 104 to provide direction to U.S. flagged vessels operating in high risk areas where acts of piracy and armed robbery against ships is prevalent. MARSEC Directive 104–6 (Rev 1) provided an updated list of the high risk waters based on a biennial review of global piracy and terrorism threats.

MARSEC Directive 104–6 (Rev 2), which was completed on May 11, 2009, provides additional counter-piracy guidance to U.S. flagged vessels operating in high risk waters where acts of piracy and armed robbery against ships are prevalent. It also provides a listing of additional high risk waters, updated from the previous version of the Directive.

MARSEC Directive 104–6 (Rev 3) encourages the use of industry best management practices that have proven to be successful in thwarting pirate attacks and incorporates lessons-learned since the issuance of Revision 2.

To support the issuance of MARSEC Directive 104–6 (series), we have developed piracy-related Port Security Advisories (PSAs)to provide further guidance and direction to U.S. flagged vessels operating in high risk waters to help facilitate compliance with this directive. The PSAs can be found at *http://homeport.uscg.mil/piracy,* including a non-SSI version of this MARSEC Directive.

Procedural:

COTPs and District Commanders can access all MARSEC directives on Homeport by logging in and going to Missions > Maritime Security > Maritime Transportation Security Act (MTSA) > Policy. Owners and operators of U.S. flagged vessels that travel on international voyages must contact their local COTP or cognizant District Commander to acquire a copy of MARSEC Directive 104–6 (Rev 3). COTPs or cognizant District Commanders may provide this MARSEC Directive to appropriate vessel owners and operators via mail or fax in accordance with SSI handling procedures.

Pursuant to 33 CFR 101.405, we consulted with the Department of State, Office of the Secretary of Defense, Joint Chiefs of Staff, Department of Transportation/Maritime Administration, Office of Naval Intelligence, Department of Commerce, Department of Justice, Military Sealift Command, Global Maritime Situational Awareness, *Overseas Security Advisory Council,* United States Agency for International Development, Naval Criminal Investigative Service, Customs and Border Protection, Transportation Security Administration, U.S. Africa Command, U.S. Central Command, and U.S. Transportation Command prior to issuing these Directives.

All MARSEC Directives issued pursuant to 33 CFR 101.405 are marked as SSI in accordance with 49 CFR Part 1520. COTPs and District Commanders will require individuals requesting a MARSEC Directive to prove that they meet the standards for a "covered person" under 49 CFR 1520.7, have a "need to know" the information, as defined in 49 CFR 1520.11, and that they will safeguard the SSI in MARSEC Directive 104–6 (Rev 3) as required in 49 CFR 1520.9.

Dated: May 17, 2010.

Kevin S. Cook,

USCG, Director of Prevention Policy.

[FR Doc. 2010–12483 Filed 5–24–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–44]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; HUD Office of Sustainable Housing and Communities—Sustainable Communities Regional Planning Grant Program, Public Law 111–117

AGENCY: Office of Sustainable Housing and Communities, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: June 1, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the

date of this Notice. Comments should refer to the proposal by name /or OMB approval number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: *OIRA_Submission@omb.eop.gov;* fax: (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail: *Leroy.MkinneyJR@hud.gov*; telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Office of Sustainable Housing and Communities NOFA Rating Factor Forms.

Description of Information Collection: The Consolidated Appropriations Act, 2010 (Pub. L. 111–117, approved December 16, 2009) (Appropriations Act), made $100 million available for the Sustainable Communities Regional Planning Grant Program to support metropolitan and multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of (1) economic competitiveness and revitalization; (2) social equity, inclusion, and access to opportunity; (3) energy use and climate change; and (4) public health and environmental impact.

As part of HUD's Office of Sustainable Housing and Communities Notice of Funding Availability (NOFA) we hope incorporating Rating Factor forms will achieve the following: (1) Facilitate the submission of information as part of the applicant's grant application; (2) ensure that the information submitted is consistent and uniform amongst all applicants; and (3) facilitate the review process when applications are being reviewed, ranked and rated.

OMB Control Number: Pending.

Agency Form Numbers: N/A, the data will be collected via form.

Members of Affected Public: State, Local Government and Non-profit organizations.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of responses, and hours of responses: The estimated number of respondents is 300 and the number of responses is 1. There will be, in total, approximately 300 responses. The total reporting burden is 600 hours.

Status of the Proposed Information Collection: New collection of information for Sustainable Communities Regional Planning Grant Program applicants.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: May 19, 2010.

Leroy McKinney, Jr.,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–12572 Filed 5–24–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Invasive Species Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of public meetings of the Invasive Species Advisory Committee.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of meetings of the Invasive Species Advisory Committee (ISAC). Comprised of 30 nonfederal invasive species experts and stakeholders from across the nation, the purpose of the Advisory Committee is to provide advice to the National Invasive Species Council, as authorized by Executive Order 13112, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. The Council is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of the Council is to provide national leadership regarding invasive species issues.

Purpose of Meeting: The meeting will be held on June 22–24, 2010 in San Francisco, California, and will focus primarily on aquatic invaders. The Bay Area was chosen as the meeting location because it is one of the most invaded marine/coastal environments in the world, with over 50 invasive species that threaten the Bay's vibrant economy. ISAC will provide recommendations to the Council concerning both the unique challenges faced by the Bay Area, and broader challenges faced by NISC agencies elsewhere in the nation. ISAC will also address the complex relationship between climate change and invasive species, opportunities for green jobs creation within invasive species efforts, ballast water related issues, and the development of state invasive species councils.

DATES: Meeting of the Invasive Species Advisory Committee: Tuesday, June 22, 2010 and Thursday, June 24, 2010; beginning at approximately 8 a.m., and ending at approximately 5 p.m. each day. Members will be participating in an off-site field tour on Wednesday, June 23, 2010.

ADDRESSES: The Argonaut Hotel, 495 Jefferson Street at Hyde, San Francisco, California 94109–1314. The general session on June 22, 2010 and June 24, 2010 will be held in the Golden Gate Ballroom.

FOR FURTHER INFORMATION CONTACT: Kelsey Brantley, National Invasive Species Council Program Analyst and ISAC Coordinator, (202) 513–7243; Fax: (202) 371–1751.

Dated: May 17, 2010.

Lori Williams,

Executive Director, National Invasive Species Council.

[FR Doc. 2010–12581 Filed 5–24–10; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

National Park Service

Draft Environmental Impact Statement for the Tamiami Trail Modifications: Next Steps Project, Everglades National Park

Tamiami Trail Modifications: Next Steps Project, Draft Environmental Impact Statement, Everglades National Park, Florida. The Notice of Intent (NOI) for this project referred to it as a "Feasibility Study and Report" based on language in the authorizing legislation.

This new appellation was a result of public scoping and internal National Park Service discussions.

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement for the Tamiami Trail Modifications: Next Steps Project, Everglades National Park.

SUMMARY: Pursuant to 42 U.S.C. 4332(2)(C) of the National Environmental Policy Act of 1969 and National Park Service (NPS) policy in Director's Order Number 2 (Park Planning) and Director's Order Number 12 (Conservation Planning, Environmental Impact Analysis, and Decision-making), the NPS announces the availability of a Draft Environmental Impact Statement (DEIS) for the Tamiami Trail (U.S. Highway 41) Modifications: Next Steps Project for Everglades National Park, Florida.

The 2009 Omnibus Appropriations Act, H.R. 1105: Omnibus Appropriations Act of 2009 (Pub. L. 111–008, dated March 11, 2009) directed the U.S. Army Corps of Engineers (USACE) to construct modifications to U.S. Highway 41 (Tamiami Trail) that were approved in the 2008 Limited Reevaluation Report and Environmental Assessment. The 2009 Omnibus Appropriations Act also directed the Department of the Interior's National Park Service to "immediately evaluate the feasibility of additional bridge length, beyond that to be constructed pursuant to the Modified Water Deliveries to Everglades National Park Project (16 U.S.C. 410r–8), including a continuous bridge, or additional bridges or some combination thereof, for the Tamiami Trail to restore more natural water flow to Everglades National Park (ENP) and Florida Bay and for the purpose of restoring habitat within the Park and the ecological connectivity between the Park and the Water Conservation Areas" (2009 Omnibus Appropriations Act, Pub. L. 111–008).

DATES: There will be a 60-day comment period beginning with the Environmental Protection Agency's publication of its Notice of Availability in the **Federal Register**. Public meeting(s) will be held during the review period. The date, time, and location of the public meeting(s) will be announced through the NPS Planning, Environment, and Public Comment (PEPC) Web site *http://parkplanning.nps.gov/ever,* a news release, and/or a mailed announcement to be released in May 2010.

ADDRESSES: The document will be available for public review and comment online at *http://parkplanning.nps.gov/ever*. CDs and hard copies are available at Park headquarters. You may also request a hard copy or CD by contacting Everglades National Park, 40001 State Road 9336, Homestead, FL 33034–6733; telephone 305–242–7700.

SUPPLEMENTARY INFORMATION: Public scoping was initiated in the summer of 2009. A newsletter was distributed on May 31, 2009, and a public meeting was held on June 2, 2009, to keep the public informed and involved throughout the planning process. As the lead agency, the NPS conducted several inter-agency/Tribal meetings and one workshop to develop project objectives, identify alternatives, evaluate the benefits of alternatives, and identify a preferred alternative. The DEIS provides historical information, existing conditions, alternatives for infrastructure modifications, and related impacts of the alternatives. The DEIS describes six alternatives for consideration, including a no-action alternative that provides for the continuation of the current Tamiami Trail infrastructure configuration. The five action alternatives present a range of infrastructure modification opportunities. The environmental impacts of each alternative, including the no-action alternative, are systematically analyzed in the document.

The six alternatives (with corresponding identifiers) as they appear in the document are as follows:

- *No Action Alternative:* The No-Action Alternative consists of a 1-mile eastern bridge and elevation of the remaining roadway to allow for 8.5 feet stages in the L–29 Canal. This alternative continues the status quo.
- *Alternative 1: 2.2 miles of bridges and remaining roadway elevated:* Alternative 1 would involve creating conveyance openings through Tamiami Trail by removing 2.2 miles of the existing highway and embankment. Four bridges (or ConSpan) would be constructed in the openings to replace the removed section of road and maintain vehicle traffic across the openings. This alternative would create 2.2 miles of ecological connectivity and better distribute flows in the western area of the 11 mile project corridor.
- *Alternative 2a: 3.3 miles of bridges and remaining roadway elevated:* Alternative 2a would involve creating conveyance openings through Tamiami Trail by removing 3.3 miles of the existing highway and embankment. Six bridges would be constructed in the openings to replace the removed section of road and maintain vehicle traffic across the openings. This alternative would create 3.3 miles of ecological connectivity and moderately reduce the adverse effects of high velocity discharges associated with the existing culverts.
- *Alternative 4: 1.0 miles of bridging and remaining roadway elevated:* Alternative 4 would involve creating conveyance openings through Tamiami Trail by removing 1.0 mile of the existing highway and embankment where the bridging is proposed. This alternative would increase ecological connectivity by 1.0 mile.
- *Alternative 5: 1.5 miles of bridging and remaining roadway elevated:* Alternative 5 would involve creating conveyance openings through Tamiami Trail by removing 1.5 miles of the existing highway and embankment. Three bridges would be constructed in the opening to replace the removed section of road and maintain vehicle traffic. This alternative would increase ecological connectivity by 1.5 miles.
- *Alternative 6E: 5.5 miles of bridging and remaining roadway elevated.* Alternative 6E is the maximum bridging option and involves creating conveyance openings through Tamiami Trail by removing 5.5 miles of the existing highway and embankment. Four bridges would be constructed in the opening to replace the removed section of road and maintain vehicle traffic. This alternative would increase ecological connectivity by 5.5 miles, reduce flow velocities below the 0.10 fps threshold that causes harm to marshes, and substantially restore the flow patterns associated with a healthy ridge and slough landscape in Northeast Shark River Slough.
- *Common to all action alternatives:* The remaining highway embankments along stretches of the road that are not bridged would be reconstructed to raise the crown elevation to 12.3 feet, the minimum required based on the design high water of 9.7 feet and the roadway cross section geometry.

Preferred Alternative: Alternative 6E was determined to be the preferred alternative by the NPS and the U.S. Department of the Interior.

If you wish to comment on the DEIS for the Tamiami Trail Modifications: Next Steps Project, you may submit your comments by any one of several methods. The preferred method for submitting comments is via the Internet at *http://parkplanning.nps.gov/ever.* If you do not receive a confirmation from the system that we have received your internet message, please contact us directly at the address above. You may

also mail comments to the Park at the address shown above. Finally, you may present your comments in person at the public meeting(s) to be held during the public review period or at the address listed above.

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. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials or organizations or businesses, available for public inspection in their entirety.

Authority: The authority for publishing this notice is 40 CFR 1506.6.

FOR FURTHER INFORMATION CONTACT: Contact Everglades National Park at the address and telephone number shown above.

The responsible official for this Draft EIS is the Regional Director, Southeast Region, NPS, 100 Alabama Street, SW., 1924 Building, Atlanta, Georgia 30303.

Dated: March 31, 2010.

David Vela,

Regional Director, Southeast Region, National Park Service.

[FR Doc. 2010–12476 Filed 5–24–10; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOS06000–L91310000–EI0000]

Notice of Intent To Prepare an Environmental Assessment for the Proposed Competitive Geothermal Lease Sale, Gunnison County, CO and Land Use Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) Gunnison Field Office, Gunnison, Colorado intends to prepare an Environmental Assessment (EA) to consider whether, and under what conditions, to issue geothermal leases under pending nominations, which may include an amendment to the Gunnison Resource Area Approved Resource Management Plan (RMP) of February 1993, as amended by the RMP Amendments for Geothermal Leasing in the Western United States (2008). While the area nominated for geothermal leasing is allocated as open to consideration for geothermal leasing under the amended Plan, and the proposed level of development contemplated in the amended Plan will not be exceeded by issuance of the proposed leases, the Reasonably Foreseeable Development scenario for the resource area has been refined and updated since that time, and additional stipulations to protect other resources and uses may be developed through this process and adopted into the Plan. The BLM proposes to amend the existing Gunnison Resource Area RMP using the NEPA analysis to support its decision. Review of the RMP is necessary due to recently updated information regarding the presence of Gunnison sage-grouse and Canada lynx habitat that was not analyzed in the existing RMP. The BLM, by this notice, is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the EA and RMP amendment. Comments on issues may be submitted in writing until June 24, 2010. A joint public scoping meeting was held by the BLM and the U.S. Forest Service (FS) in Gunnison, Colorado on March 11, 2010. The date(s) and location(s) of any additional scoping meetings will be announced at least 15 days in advance through local media, newspapers and the following BLM Web site: *http://www.blm.gov/co/st/en/fo/gfo.html.* In order to be included in the EA, all comments must be received prior to the close of the scoping period or 30 days after the last public meeting, whichever is later. The BLM will provide additional opportunities for public participation upon publication of the EA.

ADDRESSES: You may submit comments on issues and planning criteria related to Competitive Geothermal Lease Nomination, Gunnison County by any of the following methods:

- *Web site: http://www.blm.gov/co/st/en/fo/gfo.html.*
- *E-mail: Marnie_Medina@blm.gov.*
- *Fax:* (970) 642–4425.
- *Mail:* BLM, Gunnison Field Office, 216 N. Colorado St., Gunnison, Colorado 81230.

Documents pertinent to this proposal may be examined at the Gunnison Field Office.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Marnie Medina, Realty Specialist, telephone (970) 642–4457; address 216 N. Colorado St., Gunnison, Colorado 81230; e-mail *Marnie_Medina@blm.gov.*

SUPPLEMENTARY INFORMATION: The BLM has received two block nominations of lands for competitive geothermal leasing. One block includes approximately 4,586 acres of public lands and 400 acres of split estate lands, *i.e.,* private surface overlying the Federal mineral estate. The second block includes approximately 3,765 acres of FS lands. The proposed lease of that block will be included in the study area for BLM's EA, but also will be analyzed by the FS in a separate environmental analysis. The FS will use its own NEPA process to decide whether, and under what conditions, to consent to the issuance of geothermal leases on its lands. In addition, the Colorado State Land Board has received an application for a geothermal lease on State lands adjacent to some of the nominated FS lands. The nominated lands are located in southeastern Gunnison County, north of Highway 50, in the general vicinity of Tomichi Dome east of Gunnison, Colorado. While the BLM lands at issue are currently open to geothermal leasing, current RMP-level use restrictions and stipulations designed to protect other resources, in particular Gunnison sage-grouse (a BLM special status species) and Canada lynx (recently listed under the Endangered Species Act), may not be adequate or have not been formally adopted into the RMP. The nominated BLM lands are within occupied sage-grouse habitat and include about 200 acres of potential lynx habitat. The decision to be made is whether to offer the lands in the study area for geothermal lease, and if so, to identify the constraints, major and minor, under which geothermal leasing and development could occur. The planning level decisions could include, among other things, development of adequate protective measures for cultural resources, sage-grouse, and lynx, and other resources, which may involve some minor resource-specific land use plan amendments. Individual lease issuance decisions for the nominated lands will be made based on this NEPA process. A geothermal lease provides a non-exclusive right to future exploration and an exclusive right to produce and use the geothermal resources within the lease area, subject

to existing laws, regulations, formal orders, terms, conditions, and stipulations in or attached to the lease form, or included as conditions of approval to permits.

The purpose of the public scoping process is to: (1) Determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for amending the land use plan to adopt new stipulations and other conservation measures, and (2) decide whether, and under what conditions, to issue geothermal leases in the study area. At present, the BLM has identified the following preliminary issues:

- Conservation of Gunnison sage-grouse population and habitat;
- Conservation of Canada lynx seasonal habitat;
- Impacts to cultural resources;
- Impacts to known geothermal resources and features in and near the lease nomination area;
- Demand for renewable energy and local economic impacts;
- Access to and across private lands;
- Impacts to critical big game winter range and other wildlife habitat;
- Visual impacts from potential development; and
- Cumulative impacts associated with geothermal leasing including the potential for exploration and development operations.

By this notice, the BLM is complying with requirements in 43 CFR 1610.2(c) to notify the public of potential amendments to land use plans, predicated on the findings of the EA. If a land use plan amendment is necessary, the BLM will integrate the land use planning process with the NEPA process for this project.

The BLM may use a combination of scoping periods, public meetings, and the NEPA process to supplement the public involvement process required by Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) as provided for in 36 CFR 800.2(d)(3). Native American Tribal consultations will be conducted and Tribal concerns, including impacts on Indian trust assets will be given due consideration. Federal, state, and local agencies, along with other stakeholders that may be interested or affected by the BLM's decision on this project are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a Cooperating Agency. Agencies or organizations with technical expertise or jurisdictional authority will be invited to participate as Cooperating Agencies in the NEPA analysis and environmental review. Likely cooperating agencies identified thus far include the County of Gunnison, the City of Gunnison, the State of Colorado Governor's Energy Office and Department of Natural Resources (Division of Wildlife, Division of Water Resources, State Land Board, and Colorado Geological Survey), the FS, the Western Area Power Administration, the Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Southern Ute Tribe, Ute Mountain Ute Tribe, and the Northern Ute Tribe.

An interdisciplinary approach will be used to develop any plan amendment in order to consider the variety of resource issues and concerns identified during public scoping. Notification of the planning process will be made to the Governor of Colorado, County Commissioners, local tribes and potentially affected members of the public. The public is encouraged to help identify questions and concerns during the scoping phase.

Preliminary planning criteria are:

1. The BLM will continue to manage the public land within the planning area in accordance with FLPMA, 43 U.S.C. 1701 (*et seq.*), other applicable laws and regulations, and all existing public land laws.

2. The BLM will use a collaborative and multi-jurisdictional approach, where possible, to jointly determine the desired future condition of public lands.

3. The socio-economic impacts of the alternatives will be addressed.

4. The amendment process will follow the FLPMA planning process and include an EA that will comply with NEPA standards and an Environmental Impact Statement if a Finding of No Significant Impact cannot be reached.

5. Decisions in the Amendment will strive to be compatible with existing plans and policies of adjacent local, State, Federal and Tribal agencies to the extent that those plans and policies are consistent with Federal law governing the administration of public land.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1501.7, 43 CFR 1610.2.

Helen M. Hankins,

State Director.

[FR Doc. 2010–12461 Filed 5–24–10; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

Kalaupapa National Historical Park Advisory Commission Meeting, June 24, 2010

Authority: 41 CFR 102–3.150.

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date for the June 24, 2010, Meeting of the Kalaupapa National Historical Park Advisory Commission.

DATES: The public meeting of the Commission will be held on Thursday, June 24, 2010, at 10:30 a.m. (Hawaiian Standard Time).

ADDRESSES: The meeting will be held at McVeigh Social Hall, Kalaupapa National Historical Park, Kalaupapa, Hawaii 96742.

FOR FURTHER INFORMATION CONTACT: Steve Prokop, Superintendent, Kalaupapa National Historical Park, P.O. Box 2222, Kalaupapa, Hawaii 96742, telephone (808) 567–6802, or electronically at the following Internet address: *Steve_Prokop@nps.gov.*

SUPPLEMENTARY INFORMATION:

Agenda

The June 24, 2010, Commission meeting will consist of the following:

1. Previous history and Overview of the Kalaupapa National Historical Park Advisory Commission.
2. Report from the Superintendent.
3. Memorial Project.
4. Hawaii Senate Bill No. 2771.
5. Air Transportation Costs.
6. Public Comments.

The meeting is open to the public, and time will be reserved for public comment. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting. Oral comments will be summarized for the record. If persons wish to have their comments recorded verbatim, they must submit them in writing. Before including your address, phone, number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may

be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 7, 2010.

Steve Prokop,

Superintendent, Kalaupapa National Historical Park.

[FR Doc. 2010–12474 Filed 5–24–10; 8:45 am]

BILLING CODE 4312–GJ–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before May 1, 2010. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments are also being accepted on the following properties being considered for removal pursuant to 36 CFR 60.15. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by June 9, 2010.

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.

Paul Lusignan,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

ARIZONA

Maricopa County

Brentwood Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963), Roughly bounded by Brill St. to the N, 20th St. to the E, Culver St. to the S, 16th St. to the W, Phoenix, 10000320

Campus Vista Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963), Roughly bounded by Thomas Rd. and Flower St., 7th and 11th Aves and Flower St., and Osborn Rd. and 10th and 15th Aves., Phoenix, 10000321

East Evergreen Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), Roughly bounded by McDowell Rd., 3rd St., 7th St., and Wiletta St., Phoenix, 10000322

Encanto Manor Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), Roughly bounded by 7th and 15th Aves and Thomas Rd.. and Edgemont Ave., Phoenix, 10000323

Encanto Vista Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), Roughly bounded by 7th Ave., Encanto Blvd., Windsor Ave., and Encanto Park Municipal Golf Course, Phoenix, 10000324

Garfield Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), Roughly bounded by 7th St. on the W, 16th St. , on the E, Roosevelt St. on the N, and Van Buren St. on the S, Phoenix, 10000325

Los Olivos Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), The 300 block of E Monte Vista Rd., Phoenix, 10000326

North Garfield Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), Roughly bounded by 7th St on the W, 16th St on the E, Roosevelt St. on the S, and Interstate 10 on the N, Phoenix, 10000327

Villa Verde Plat A and Villa Verde Plat B, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), Roughly bounded by Monte Vista Rd., Granada Rd, 19th Ave., and 20th Ave., Phoenix, 10000328

Woodlea Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), Roughly bounded by Glenrosa Ave. and Mackenzie Dr. on the N and S, and 9th Ave. on the E and W, Phoenix, 10000329

Yaple Historic District, (Residential Subdivisions and Architecture in Central Phoenix, 1870–1963, MPS), Roughly bounded by 3rd and 7th Aves and Turney and Minnezona Aves, Phoenix, 10000330

ARKANSAS

Washington County

Butterfield Overland Mail Route Segment, Bugscuffle Rd. S of Strickler and Old Cove City Rd. N of Chester, Strickler, 10000347

CONNECTICUT

Fairfield County

Nathaniel Witherell Historic District, 70 Parsonage Rd., Greenwich, 10000346

Hartford County

North-west School, 1240 Albany Ave., Hartford, 10000339

FLORIDA

Hillsborough County

Upper North Franklin Street Commercial District, Bounded by E Oak Ave., N Florida Ave., Kay St., & N Tampa St., Tampa, 10000344

IOWA

Mills County

West Oak Forest Earthlodge Site, (Archeological Resources of the Central Plains Tradition in the Loess Hills Region of Iowa MPS); ADDRESS RESTRICTED, Glenwood, 10000342

Plymouth County

Kimball Village, (Archaeological Resources of Initial Variant of the Middle Missouri Tradition in Iowa MPS); ADDRESS RESTRICTED, Westfield, 10000343

NEW YORK

Columbia County

Forth House, 2751 US RTE 9, Livingston, 10000331

Silvernail Homestead, 383 Poole Hill Rd, Ancram, 10000332

Erie County

St. Andrew's Episcopal Church, 3105 Main St., Buffalo, 10000333

Niagara County

Holy Trinity Roman Catholic Church Complex, 1419 Falls St., Niagara Falls, 10000334

Onondaga County

Olivet Chapel, 201 W Main St., Goshen, 10000336

St Paul's Armenian Apostolic Church, 310 N Geddes St., Syracuse, 10000335

Suffolk County

Union Savings Bank, 62 S Ocean Dr., Patchogue, 10000337

Westchester County

Walter's Hot Dog Stand, 937 Palmer Ave., Mamaroneck, 10000338

SOUTH CAROLINA

McCormick County

Hopewell Rosenwald School, Adjacent to 253 Hopewell Church Road (SC Sec RD 33–12), Clarks Hill, 10000340

Saluda County

Ridge Hill High School, 206 Ridge Hill Dr, Ridge Spring, 10000341

WISCONSIN

Sauk County

Point of Rocks, US HWY 12 approximately .85 mi N of Ski Hi Rd. and .25 mi S of Wisconsin HWY 159, Baraboo, 10000345

Request for REMOVAL has been made for the following resources:

LOUISIANA

Ascension Parish

St. Joseph School, LA 22 and 44 Burnside, 88002651

[FR Doc. 2010–12480 Filed 5–24–10; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO922000–L13100000–FI0000; COC63019]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease COC63019

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC63019 from Maverick Whitewater, LLC and PHT Whitewater, LLC, for lands in Delta County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: BLM, Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at (303) 239–3767.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16 ⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the BLM is proposing to reinstate lease COC63019 effective January 1, 2009, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Helen M. Hankins,

State Director.

[FR Doc. 2010–12460 Filed 5–24–10; 8:45 am]

BILLING CODE 4310–JB–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–470–471 and 731–TA–1169–1170 (Final)]

Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses From China and Indonesia

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of countervailing duty and antidumping investigations.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing duty investigation No. 701–TA–470–471 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act) and the final phase of antidumping investigation No. 731–TA–1169–1170 (Final) under section 735(b) of the Act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized and less-than-fair-value imports from China and Indonesia of certain coated paper, provided for in subheadings 4810.14.11, 4810.14.1900, 4810.14.2010, 4810.14.2090, 4810.14.5000, 4810.14.6000, 4810.14.70, 4810.19.1100, 4810.19.1900, 4810.19.2010, 4810.19.2090, 4810.22.1000, 4810.22.50, 4810.22.6000, 4810.22.70, 4810.29.1000, 4810.29.5000, 4810.29.6000, 4810.29.70 of the Harmonized Tariff Schedule of the United States.[1]

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as "certain coated paper and paperboard in sheets suitable for high quality print graphics using sheet-fed presses; coated on one or both sides with kaolin (China or other clay), calcium carbonate, titanium dioxide, and/or other inorganic substances; with or without a binder; having a GE brightness level of 80 or higher; weighing not more than 340 grams per square meter; whether gloss grade, satin grade, matte grade, dull grade, or any other grade of finish; whether or not surface-colored, surface decorated, printed (except as described below), embossed, or perforated; and irrespective of dimensions ("certain coated paper"). Certain coated paper includes (a) coated free sheet paper and paperboard that meets this scope definition; (b) coated groundwood paper and paperboard produced from bleached chemi-thermo-mechanical pulp ("BCTMP") that meets this scope definition; and (c) any other coated paper and paperboard that meets this scope definition. Certain coated paper is typically (but not exclusively) used for printing multicolored graphics for catalogues, books, magazines, envelopes, labels and wraps, greeting cards, and other commercial printing applications requiring high quality print graphics. Specifically excluded from the scope are imports of paper and paperboard printed with final content printed text or graphics."

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

DATES: *Effective Date:* May 6, 2010.

FOR FURTHER INFORMATION CONTACT: Christopher J. Cassise (202–708–5408), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China and Indonesia of certain coated paper, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on September 23, 2009, by Appleton Coating, LLC, Kimberly, WI; NewPage Corp., Mianisburg, OH; Sappi Fine Paper North America, Boston, MA; and the United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union ("USW").

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the

investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on September 2, 2010, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on September 16, 2010, 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 September 10, 2010. 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 September 14, 2010, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is September 10, 2010. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is September 23, 2010; 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 investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before September 23, 2010. On October 13, 2010, 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 October 15, 2010, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. 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 investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: May 19, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–12496 Filed 5–24–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Job Corps: Final Finding of No Significant Impact (FONSI) for Small Wind Turbine Installation at the Pine Ridge Job Corps Center Located at 15710 Highway 385, Chadron, NE 69337

AGENCY: Office of the Secretary (OSEC), Department of Labor.

Recovery: This project will be wholly funded under the American Recovery and Reconstruction Act of 2009.

ACTION: Final Finding of No Significant Impact (FONSI) for Small Wind Turbine Installation at the Pine Ridge Job Corps Center located at 15710 Highway 385, Chadron, NE 69337.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, Office of the Secretary (OSEC), in accordance with 29 CFR 11.11(d), gives final notice of the proposed construction of a small wind turbine at the Pine Ridge Job Corps Center, and that this project will not have a significant adverse impact on the environment. In accordance with 29 CFR 11.11(d) and 40 CFR 1501.4(e)(2), a preliminary FONSI for the project was published in the April 5, 2010 **Federal Register** (75 FR 17161). No comments were received regarding the preliminary FONSI. OSEC has reviewed the conclusion of the environmental assessment (EA), and agrees with the finding of no significant impact. This notice serves as the Final Finding of No Significant Impact (FONSI) for Small Wind Turbine Installation at the Pine Ridge Job Corps Center located at 15710 Highway 385, Chadron, NE 69337. The preliminary FONSI and the EA are adopted in final with no change.

DATES: *Effective Date:* These findings are effective as of May 25, 2010.

FOR FURTHER INFORMATION CONTACT: William A Dakshaw, Department of Labor, US Department of Labor, 200

Constitution Avenue, NW., Room N–4460, Washington, DC 20210, (202) 693–2867 (this is not a toll-free number).

Dated: May 19, 2010.

Edna Primrose,

National Director of Job Corps.

[FR Doc. 2010–12562 Filed 5–24–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Veterans' Employment and Training

"Homeless Veterans' Reintegration Program (HVRP) National Technical Assistance Center Cooperative Agreement(s)"

May 25, 2010.

AGENCY: Veterans' Employment and Training Service, Department of Labor.

Announcement Type: New Notice of Availability of Funds and Solicitation for Grant Applications. The full announcement is posted on *http://www.grants.gov.*

Funding Opportunity Number: SGA 10–06.

DATES: *Key Dates:* The closing date for receipt of applications is 30 days after publication via *http://www.grants.gov*.

Funding Opportunity Description

The U.S. Department of Labor (USDOL or Department), Veterans' Employment and Training Service (VETS), announces a cooperative agreement competition under 38 U.S.C. Section 2021, as added by Section 5 of Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act of 2001 (HVCAA). Section 2021 authorizes programs to expedite the reintegration of homeless Veterans into the labor force. In order to assist the USDOL–VETS in carrying out 38 U.S.C. 2021, it is announcing the availability of funds for cooperative agreement(s) to assist in maintaining and improving upon the National Technical Assistance Center (NTAC) for the Homeless Veterans' Reintegration Program (HVRP) to include the Homeless Female Veterans and Homeless Veterans with Families Program (HFV/HVFP) and the Incarcerated Veterans Transition Program (IVTP).

HVRP grants are intended to address two objectives: (1) To provide services to assist in reintegrating homeless veterans into meaningful employment within the labor force, and (2) to stimulate the development of effective service delivery systems that will address the complex problems facing homeless veterans.

The full Solicitation for Grant Application is posted on *http://www.grants.gov* under U.S. Department of Labor/VETS. Applications submitted through *http://www.grants.gov* or hard copy will be accepted. If you need to speak to a person concerning these grants, you may telephone Cassandra Mitchell at 202–693–4570 (not a toll-free number). If you have issues regarding access to the *http://www.grants.gov* Web site, you may telephone the Contact Center Phone at 1–800–518–4726.

Signed at Washington, DC this 19th day of May, 2010.

Cassandra R. Mitchell,

Grant Officer.

[FR Doc. 2010–12505 Filed 5–24–10; 8:45 am]

BILLING CODE 4510–79–P

MERIT SYSTEMS PROTECTION BOARD

[MSPB Docket Number DC–0731–09–0261–R–1]

Hyginus U. Aguzie v. Office of Personnel Management

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The Merit Systems Protection Board (MSPB) is providing notice of an extension of time in which parties may file amicus briefs in the matter of *Hyginus U. Aguzie* v. *Office of Personnel Management,* MSPB Docket Number DC–0731–09–0261–R–1.

DATES: All briefs submitted in response to this notice shall be filed with the Clerk of the Board on or before June 7, 2010.

ADDRESSES: Briefs must be filed with the Office of the Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419. All briefs shall be captioned "*Hyginus U. Aguzie* v. *Office of Personnel Management*" and entitled "Amicus Brief." Only one copy of the brief need be submitted.

FOR FURTHER INFORMATION CONTACT: Matthew Shannon, Office of the Clerk of the Board, (202) 653–7200.

SUPPLEMENTARY INFORMATION: *Aguzie* and several other cases pending before the Board present the following legal issue: When the Office of Personnel Management (OPM) directs an agency to separate a tenured employee for suitability reasons, must the Board 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?

On April 16, 2010, MSPB published in the **Federal Register** a Notice (*See* 75 FR 20007) that interested parties may submit amicus briefs or other comments on this issue no later than May 24, 2010. The MSPB is extending the time until June 7, 2010. Interested parties must file amicus briefs with the Clerk of the Board. Briefs shall not exceed 15 pages in length. The text shall be double-spaced, except for quotations and footnotes, and the briefs shall be on 8½ by 11 inch paper with one inch margins on all four sides.

Dated: May 18, 2010.

William D. Spencer,

Clerk of the Board.

[FR Doc. 2010–12444 Filed 5–21–10; 11:15 am]

BILLING CODE 7400–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 75 FR 8408, and no substantial comments were received. NSF is forwarding the proposed revised submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. 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: Office of Information and

Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 7th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@nsf.gov.* 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 may be obtained by calling 703–292–7556. NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: 2010 Survey of Doctorate Recipients.

OMB Approval Number: 3145–0020.

Type of Request: Intent to seek approval to revise an information collection for three years.

1. Abstract

The Survey of Doctorate Recipients (SDR) has been conducted biennially since the 1970s. The 2010 SDR will consist of a sample of individuals under age 76 who have earned a science, engineering or health doctorate from a U.S. university from the NSF's Survey of Earned Doctorate, which is an annual census of U.S. research doctorates. The purpose of this longitudinal study is to provide national estimates on the U.S. educated doctoral science, engineering and health workforce and changes in employment, education and demographic characteristics of that workforce. The study is one of three components of the Scientists and Engineers Statistical Data System (SESTAT), which produces national estimates of the size and characteristics of the nation's science and engineering workforce.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to "* * * provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government." The SDR is designed to comply with these mandates by providing information on the supply and utilization of the nation's doctoral scientists and engineers. Collected data will be used to produce estimates of the characteristics of these individuals. They will also provide necessary input into the SESTAT data system, which produces national estimates of the size and characteristics of the country's science and engineering personnel. The Foundation uses this information to prepare congressionally mandated reports such as *Women, Minorities and Persons with Disabilities in Science and Engineering and Science and Engineering Indicators.* A public release file of collected data, designed to protect respondent confidentiality, will be made available to researchers on CD–ROM and on the World Wide Web.

The National Opinion Research Center (NORC) at the University of Chicago will conduct the study for NSF. Data collection will begin in October 2010 by mail, web survey and computer-assisted telephone interview. The survey will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002 and Privacy Act of 1974. The individual's response to the survey is voluntary. NSF will insure that all information collected will be kept strictly confidential and will be used only for research or statistical purposes.

2. Expected Respondents

A statistical sample of approximately 43,500 persons, identified as having a doctorate in a science, engineering or health field from a U.S. university will be contacted. The total response rate in 2008 was 80 percent.

3. Burden on the Public

The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 25 minutes to complete the survey. Assuming an 80% response rate, NSF estimates that the total burden for the 2010 SDR will be 14,500 hours.

Dated: May 20, 2010.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2010–12531 Filed 5–24–10; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 75 FR 8408, and no substantial comments were received. NSF is forwarding the proposed revised submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. 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: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 7th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@nsf.gov.* 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 may be obtained by calling 703–292–7556. NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: 2010 National Survey of College Graduates.

OMB Approval Number: 3145–0141.

Type of Request: Intent to seek approval to revise an information collection for three years.

1. Abstract

The National Survey of College Graduates (NSCG), formerly called the

National Survey of Natural and Social Scientists and Engineers, has been conducted biennially since the 1970s. The 2010 NSCG will consist of the respondents to 2009 American Community Survey (ACS), the 2008 NSCG, and the 2008 National Survey of Recent College Graduates (NSRCG). The purpose of this longitudinal study is to provide national estimates on the science and engineering workforce and changes in employment, education and demographic characteristics. The study is one of three components of the Scientists and Engineers Statistical Data System (SESTAT), which produces national estimates of the size and characteristics of the nation's science and engineering workforce.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to "* * * provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government." The NSCG is designed to comply with these mandates by providing information on the supply and utilization of the nation's scientists and engineers. Collected data will be used to produce estimates of the characteristics of these individuals. They will also provide necessary input into the SESTAT labor force data system, which produces national estimates of the size and characteristics of the country's science and engineering personnel. The Foundation uses this information to prepare congressionally mandated reports such as *Women, Minorities and Persons with Disabilities in Science and Engineering and Science and Engineering Indicators.* A public release file of the NSCG collected data, designed to protect respondent confidentiality, will be made available to researchers on CD–ROM and on the World Wide Web.

The Bureau of the Census, as in the past, will conduct the study for NSF. Data are obtained by mail questionnaire, computer assisted telephone interview and Web survey beginning October 2010. The survey will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002, Privacy Act of 1974, and Title 13, United States Code, Section 9. The individual's response to the survey is voluntary. NSF will insure that all information collected will be kept strictly confidential, and will be used only for research or statistical purposes.

2. Expected Respondents

A statistical sample of approximately 100,000 persons will be contacted. The total response rate in 2010 is expected to be 70 to 80 percent.

3. Burden on the Public

The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 25 minutes to complete the survey. NSF estimates that the total burden for the 2010 NSCG will be no more than 33,333 hours.

Dated: May 20, 2010.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2010–12528 Filed 5–24–10; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 75 FR 8409, and no substantial comments were received. NSF is forwarding the proposed revised submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. 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: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 7th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@nsf.gov.* 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 may be obtained by calling 703–292–7556. NSF 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.

SUPPLEMENTARY INFORMATION:

Title of Collection: 2010 National Survey of Recent College Graduates.

OMB Approval Number: 3145–0077.

Type of Request: Intent to seek approval to revise an information collection for three years.

1. Abstract

The National Survey of Recent College Graduates (NSRCG) has been conducted biennially since 1974. The 2010 NSRCG will consist of a sample of individuals who have recently completed bachelor's and master's degrees in science, engineering and health from U.S. institutions. The purpose of this study is to provide national estimates of new entrants into the science and engineering workforce with recent bachelor's and master's degrees in science, engineering, and health fields from U.S. institutions, and estimates of their characteristics. The study is one of three components of the Scientists and Engineers Statistical Data System (SESTAT), which produces national estimates of the size and characteristics of the nation's science and engineering workforce.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to " * * * provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government." The NSRCG is designed to comply with these mandates by providing information on the supply and utilization of the nation's recent bachelor's and master's level scientists and engineers. Collected data will be used to produce estimates of the characteristics of these individuals. They will also provide necessary input

into the SESTAT labor force data system, which produces national estimates of the size and characteristics of the country's science and engineering personnel. The Foundation uses this information to prepare congressionally mandated reports such as *Women, Minorities and Persons with Disability in Science and Engineering and Science and Engineering Indicators.* NSF publishes statistics from the survey in many reports, but primarily in the biennial series, *Characteristics of Recent Science and Engineering Graduates in the United States.* A public release file of collected data, designed to protect respondent confidentiality, will be made available to researchers on CD–ROM and on the World Wide Web.

Mathematica Policy Research will conduct the study under contract for NSF. Data are obtained by mail questionnaire, computer assisted telephone interview and web survey beginning October 2010. The survey will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002 and Privacy Act of 1974. The individual's response to the survey is voluntary. NSF will insure that all information collected will be kept strictly confidential and will be used only for research or statistical purposes.

2. Expected Respondents

A sample of approximately 300 institutions in the U.S. that grant S&E degrees will be contacted in the first stage of the survey to provide a list of bachelor's and master's degree recipients in the most two recent academic years in order to construct the sampling frame of graduates. In the second stage, a sample of 18,000 bachelor's and master's degree recipients in science, engineering, and health will be contacted for the survey. The total response rate in 2008 for the first stage was 95 percent and second stage was 71 percent.

3. Burden on the Public

The amount of time for the 300 sampled institutions to provide their graduate lists is estimated on average to be 3 hours. The amount of time for the sampled graduates to complete the NSRCG questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 25 minutes to complete the survey. Assuming 90% response rate from the sampled institutions, and 80% response rate from the sampled graduates, NSF estimates that the total burden for the 2010 NSRCG will be 6,815 hours.

Dated: May 20, 2010.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2010–12530 Filed 5–24–10; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Directorate for Mathematical and Physical Sciences Advisory Committee (#66).

Date/Time: June 17, 2010 2 p.m.–4 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Room 110 (teleconference).

Type of Meeting: Open.

Contact Person: Dr. Morris L. Aizenman, Senior Science Associate, Directorate for Mathematical and Physical Sciences, Room 1005, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–8807.

Purpose of Meeting: To provide advice and recommendations concerning NSF science and education activities within the Directorate for Mathematical and Physical Sciences.

Agenda: Report of the Committee of Visitors for the Division of Chemistry Report of the Committee of Visitors for the Division of Mathematical Sciences.

Summary Minutes: May be obtained from the contact person listed above.

Dated: May 19, 2010.

Susanne E. Bolton,

Committee Management Officer.

[FR Doc. 2010–12494 Filed 5–24–10; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0002]

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of May 24, 31, June, 7, 14, 21, 28, 2010.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of May 24, 2010

Thursday, May 27, 2010

9:25 a.m. Affirmation Session (Public Meeting) (Tentative).

a. South Texas Project Nuclear Operating Co. (South Texas Project Units 3 and 4), Intervenors' Notice of Appeal, Brief in Support of Intervenors' Appeal of Atomic Safety and Licensing Board's Order of January 29, 2010 (Feb. 9, 2010) (Tentative).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

9:30 a.m. Briefing on the Results of the Agency Action Review Meeting (AARM) (Public Meeting), (*Contact:* Nathan Sanfilippo, 301–415–3951).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

Week of May 31, 2010—Tentative

There are no meetings scheduled for the week of May 31, 2010.

Week of June 7, 2010—Tentative

Wednesday, June 9, 2010

1:30 p.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting), (*Contact:* Cayetano Santos, 301–415–7270).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov*.

Week of June 14, 2010—Tentative

Thursday, June 17, 2010

9 a.m. Briefing on Blending (Public Meeting), (*Contact:* George Deegan, 301–415–7834).

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Week of June 21, 2010—Tentative

There are no meetings scheduled for the week of June 21, 2010.

Week of June 28, 2010—Tentative

There are no meetings scheduled for the week of June 28, 2010.

* * * * *

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html*.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.*

braille, large print), please notify Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301–492–2230, TDD: 301–415–2100, or by e-mail at *angela.bolduc@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov*.

Dated: May 19, 2010.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. 2010–12514 Filed 5–21–10; 11:15 am]

BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12168 and #12169]

Kentucky Disaster Number KY–00032

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–1912–DR), dated 05/11/2010.

Incident: Severe Storms, Flooding, Mudslides, and Tornadoes.

Incident Period: 05/01/2010 and continuing.

DATES: *Effective Date:* 05/17/2010.

Physical Loan Application Deadline Date: 07/12/2010.

EIDL Loan Application Deadline Date: 02/11/2011.

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 Presidential disaster declaration for the Commonwealth of Kentucky, dated 05/11/2010 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Bath, Boyd, Carter, Franklin, Greenup, Madison, Marion, Adair, Mercer.

Contiguous Counties: (Economic Injury Loans Only):

Kentucky: Bourbon, Clark, Estill, Henry, Larue, Lawrence, Montgomery, Nelson Nicholas, Owen, Shelby, Washington.

Ohio: Lawrence.

West Virginia: Wayne.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2010–12463 Filed 5–24–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12170 and #12171]

Kentucky Disaster Number KY–00033

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 Commonwealth of Kentucky (FEMA–1912–DR), dated 05/11/2010.

Incident: Severe Storms, Flooding, Mudslides, and Tornadoes.

Incident Period: 05/01/2010 and continuing.

DATES: *Effective Date:* 05/17/2010.

Physical Loan Application Deadline Date: 07/12/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/11/2011.

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 Commonwealth of Kentucky, dated 05/11/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Adair, Barren, Bath, Boyle, Carter, Casey, Cumberland, Edmonson, Garrard, Grayson, Jessamine, Lincoln, Madison, Marion, Menifee, Nelson, Rowan, Simpson, Warren, Washington, Woodford.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2010–12464 Filed 5–24–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12188 and #12189]

Mississippi Disaster #MS–00039

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–1916–DR), dated 05/14/2010.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 05/01/2010 through 05/02/2010.

Effective Date: 05/14/2010.

Physical Loan Application Deadline Date: 07/13/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/14/2011.

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: Notice is hereby given that as a result of the President's major disaster declaration on 05/14/2010, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Alcorn, Benton, Prentiss, Tippah, Tishomingo.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	

	Percent
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12188B and for economic injury is 12189B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–12465 Filed 5–24–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12186 and #12187]

Mississippi Disaster #MS–00037

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–1916–DR), dated 05/14/2010.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 05/01/2010 through 05/02/2010.

DATES: *Effective Date:* 05/14/2010.

Physical Loan Application Deadline Date: 07/13/2010.

Economic Injury (Eidl) Loan Application Deadline Date: 02/14/2011.

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: Notice is hereby given that as a result of the President's major disaster declaration on 05/14/2010, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Alcorn, Benton, Lafayette, Tippah, Tishomingo.

Contiguous Counties (Economic Injury Loans Only):

Mississippi: Calhoun, Itawamba, Marshall, Panola, Pontotoc, Prentiss, Tate, Union, Yalobusha.

Alabama: Colbert, Franklin, Lauderdale.

Tennessee: Fayette, Hardeman, Hardin, Mcnairy.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12186B and for economic injury is 121870.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–12467 Filed 5–24–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12175 and #12176]

South Carolina Disaster #SC–00011

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of South Carolina dated 05/14/2010.

Incident: Tornadoes.

Incident Period: 04/25/2010.

Effective Date: 05/14/2010.

Physical Loan Application Deadline Date: 07/13/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/14/2011.

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: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Darlington.

Contiguous Counties: South Carolina: Chesterfield, Florence, Kershaw, Lee, Marlboro.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12175 C and for economic injury is 121760.

The States which received an EIDL Declaration # are: South Carolina.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 14, 2010.

Karen G. Mills,

Administrator.

[FR Doc. 2010–12469 Filed 5–24–10; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62112; File No. SR–NASDAQ–2010–052]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of a Proposed Rule Change and Amendment No. 1 Thereto To Establish a New Service and Related Fees

May 14, 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 April 26, 2010, The NASDAQ Stock Market LLC ("Nasdaq" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. On May 13, 2010, the Exchange filed Amendment No. 1. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing to establish a new service and related fees. The Nasdaq Short Sale Volume and Monthly Short Sale Transaction files (the "Service") will establish a product that is comprised of aggregate reported share volume of executed short sale trades during regular market hours on a daily basis, as well as every short sale executed on the Nasdaq execution system and reported to a consolidated tape for Nasdaq, the New York Stock Exchange ("NYSE") and regional exchange-listed securities, including the price of the trade and the number of shares for every short sale transaction, on a monthly basis, separated into daily files.

The text of the proposed rule change is below. Proposed new language is italicized and proposed deletions are in brackets.

* * * * *

7051. Nasdaq Daily Short Volume and Monthly Short Sale Transaction Files

(a) Daily Short Sale Volume files reflect the aggregate number of shares executed on the Nasdaq market during regular trading hours on a daily basis. At the security level, Nasdaq will show the volume for executed short sale trades, as well as the total trading volume for the Nasdaq market. The file will include short sale data for Nasdaq, NYSE and regional exchange-listed securities.

(b) Monthly Short Sale Transaction files provide a trade-by-trade record of all short sales executed on the Nasdaq execution system and reported to a consolidated tape in Nasdaq, NYSE and regional exchange-listed securities. The file will be provided on a monthly basis, separated into daily files. Historical monthly files are available back to August 2005.

(c) Distributor Fees

(1) *The fee for each Distributor of the Short Sale Data Product described in paragraphs (a) and (b) above is $500 per month, which allows the distributor access to the downloadable FTP files and to distribute such files internally and externally.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq proposes to establish the new Service and related fees that will provide subscribers with market information and increased market transparency that will help bolster investor confidence. Nasdaq believes that in creating these data products it will be addressing the market demand for: (i) A short sale product that is comprised of aggregate reported share volume of executed short sale trades during regular market hours on a daily basis; and (ii) every short sale executed on the Nasdaq execution system and reported to a consolidated tape for Nasdaq, NYSE and regional exchange-listed securities, including the price of the trade and the number of shares for every short sale transaction, on a monthly basis, separated into daily files.

Nasdaq proposes to offer the Service at $500 per subscriber, per month, which allows a distributor access to the downloadable FTP files and to distribute internally and externally. Use of the Service is voluntary. The proposed fee will be applied to offset the costs associated with establishing the Service, responding to customer requests, configuring Nasdaq's systems, programming to user specifications, and administering the service, among other things. To the extent that costs are covered by the proposed fee, the proposed fee may also provide Nasdaq with a profit.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[3] in general, and Section 6(b)(4) of the Act,[4] in particular, in that it provides an equitable allocation of reasonable fees among users and recipients of Nasdaq data. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

The Short Sale market data products proposed here appear to be precisely the sort of market data product that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by deregulating the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[5]

By removing "unnecessary regulatory restrictions" on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history. If the free market should determine whether, proprietary data is sold to broker-dealers at all, it follows that the price at which such data is sold should be set by the market as well.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. As the Commission has recognized,[6] the market for transaction execution and routing services is highly competitive, and the market for proprietary data products is complementary to it, since

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(4).

[5] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[6] Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca–2006–21).

the ultimate goal of such products is to attract further order flow to an exchange. Thus, exchanges lack the ability to set fees for executions or data at inappropriately high levels. Order flow is immediately transportable to other venues in response to differences in cost or value. Similarly, if data fees are set at inappropriate levels, customers that control order flow will not make use of the data and will be more inclined to send order flow to exchanges providing data at fees they consider more reasonable.

The market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities, in a vigorously competitive market.

With regard to the market for executions, broker-dealers currently have numerous alternative venues for their order flow, including multiple competing self-regulatory organization ("SRO") markets, as well as broker-dealers ("BDs") and aggregators such as the Direct Edge and LavaFlow electronic communications network ("ECN"). Each SRO market competes to produce transaction reports via trade executions, and FINRA-regulated Trade Reporting Facilities ("TRFs") compete to attract internalized transaction reports. It is common for BDs to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market.

Competitive markets for order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products. The large number of SROs, TRFs, and ECNs that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, TRF, ECN and BD is currently permitted to produce proprietary data products, and many currently do or have announced plans to do so, including Nasdaq, NYSE, Alternext, NYSEArca, and BATS.

Any ECN or BD can combine with any other ECN, broker-dealer, or multiple ECNs or BDs to produce jointly proprietary data products. Additionally, non-BDs such as order routers like LAVA, as well as market data vendors can facilitate single or multiple broker-dealers' production of proprietary data products. The potential sources of proprietary products are virtually limitless.

The fact that proprietary data from ECNs, BDs, and vendors can by-pass SROs is significant in two respects. First, non-SROs can compete directly with SROs for the production and distribution of proprietary data products, as Archipelago and BATS Trading did prior to registering as SROs. Second, because a single order or transaction report can appear in an SRO proprietary product, a non-SRO proprietary product, or both, the data available in proprietary products is exponentially greater than the actual number of orders and transaction reports that exist in the marketplace writ large.

Market data vendors provide another form of price discipline for proprietary data products because they control the primary means of access to end users. Although their business models may differ, vendors exercise pricing discipline because they can simply refuse to purchase any proprietary data product that fails to provide sufficient value. Nasdaq and other producers of proprietary data products must understand and respond to these varying business models and pricing disciplines in order to successfully market proprietary data products.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid, inexpensive, and profitable. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TracECN, and BATS Trading. Today, BATS publishes its data at no charge on its Web site in order to attract order flow, and it uses market data revenue rebates from the resulting executions to maintain low execution charges for its users.[7] Several ECNs have existed profitably for many years with a minimal share of trading, including Bloomberg Tradebook and LavaFlow.

[7] However, on April 9, 2010 the Commission approved [sic] BATS proposed rule change to begin offering and charging for three new data products, which include BATS Last Sale Feed, BATS Historical Data Products, and a data product called BATS Market Insight. *See* Securities Exchange Act Release No. 61885 (April 9, 2010), 75 FR 20018 (April 16, 2010).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 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 such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2010–052 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2010–052. 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 Web site viewing and copying at the principal office of Nasdaq. 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–NASDAQ–2010–052 and should be submitted on or before June 15, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–12495 Filed 5–24–10; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62119; File No. SR–DTC–2010–08]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise Its Procedures Regarding the Participant Tender Offer Program Function

May 18, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on April 29, 2010, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by DTC. DTC filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act[2] and Rule 19b–4(f)(4)[3] thereunder so that the proposal was effective upon filing with the Commission. 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 purpose of the proposed rule change is to revise DTC's Procedures regarding the Participant Tender Offer Program function.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

DTC distributes information to Participants regarding the reorganization activity that it handles.[5] Upon receiving notice of such reorganization activity, Participants may use DTC's Participant Tender Offer Program ("PTOP") function to elect participation in the reorganization event and to place related instructions for DTC to process. Current examples of reorganization activity managed through the PTOP function include the processing of voluntary corporate actions, tenders and exchanges, cash conversions, and mandatory event processing of mergers with elections.

In an effort to promote the use of a streamlined and efficient process for making elections regarding corporate action events, DTC proposes updating its Procedures to reflect that Participants may use the PTOP function to facilitate the processing of corporate action events that DTC deems appropriate.[6] Because of the large number of corporate action events in which Participants may make elections, DTC believes the ability to process such events through the PTOP function would provide Participants with the efficiency benefits that result from automation. For instance, Participants could identify appropriate tax treatment prior to allocation which would help decrease alternative reliance on the reclaim process. DTC believes this proposal would also offer greater automation and efficiency to consent solicitation collection, which is currently a manual and paper-driven process.

DTC believes the proposed rule change is consistent with the requirements of Section 17A of the Act[7] and the rules and regulations thereunder applicable to DTC because the proposed rule change promotes efficiencies in the clearance and settlement of securities transactions by revising DTC's Procedures to promote use of the PTOP function for elections in corporate action events.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(4)[9] thereunder because the proposed rule change effects a change in an existing service of a registered clearing agency that: (i) Does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(iii).

[3] 17 CFR 240.19b–4(f)(4).

[4] The Commission has modified the text of the summaries prepared by DTC.

[5] Generally, this information is distributed through the Participant Tender Offer Program Function ("PTOP") or the Reorganization Inquiry for Participants ("RIPS") function of the Participant Terminal System ("PTS").

[6] The proposed changes to DTC's Procedures can be found in Exhibit 5 to proposed rule change SR–DTC–2010–08 at *http://www.dtcc.com/downloads/legal/rule_filings/2010/dtc/2010-08.pdf.*

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(4).

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

- Electronic comments may be submitted by using 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 No. SR–DTC–2010–04 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–DTC–2010–08. 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 Section, 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 filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at *http://www.dtcc.com/downloads/legal/rule_filings/2010/dtc/2010-08.pdf.* 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–DTC–2010–08 and should be submitted on or before June 15, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–12508 Filed 5–24–10; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62118; File No. SR–C2–2010–002]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Corporate Structure

May 18, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act" or "Exchange Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 14, 2010, C2 Options Exchange, Incorporated ("C2") filed with the Securities and Exchange Commission (the "Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by C2. 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

C2, a wholly-owned subsidiary of Chicago Board Options Exchange, Incorporated ("CBOE"), is filing this proposed rule change with the Commission under Section 19(b)(1) of the Act in connection with the plan of CBOE to restructure from a Delaware non-stock corporation to a Delaware stock corporation that will be a wholly-owned subsidiary of CBOE Holdings, Inc. ("CBOE Holdings"), a holding company organized as a Delaware stock corporation.[3] As a result of this Restructuring Transaction, C2 will become a wholly-owned subsidiary CBOE Holdings.[4]

The text of the proposed Certificate of Incorporation of CBOE Holdings, the proposed Bylaws of CBOE Holdings, the proposed amendments to C2's Certificate of Incorporation, the proposed amendments to C2's Bylaws, the proposed amendments to C2's Rules, and the proposed Voting Agreement between CBOE Holdings and C2 are available on C2's Web site (*http://www.cboe.org/Legal*), on the Commission's Web site at *http://www.sec.gov,* at C2's Office of the Secretary, and at the Commission's Public Reference Room.[5]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, C2 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. C2 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

(1) The Restructuring Transaction

C2 is filing this proposed rule change in connection with the plan of its parent company CBOE to restructure from a Delaware non-stock corporation owned by its members to a Delaware stock corporation that will be a wholly-owned subsidiary of CBOE Holdings, a holding company organized as a Delaware stock corporation.[6] After the Restructuring Transaction, the owners of membership

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(1).

[4] The term "Restructuring Transaction" is defined in proposed CBOE Rule 1.1(hhh) in the proposed rule change to effectuate the demutualization of CBOE (the "CBOE Demutualization Filing") as "the restructuring of the Exchange from a non-stock corporation to a stock corporation and wholly-owned subsidiary of CBOE Holdings, Inc." The Commission has noticed the CBOE Demutualization Filing for comment, and has not received any comments on it. *See* Exchange Act Release No. 58425 (Aug. 26, 2008), 73 FR 51652 (Sept. 4, 2008) (File No. SR–CBOE–2008–88).

[5] The CBOE Demutualization Filing also includes the proposed Certificate of Incorporation and Bylaws of CBOE Holdings, as well as the proposed Certificate of Incorporation of CBOE, the proposed Bylaws of CBOE, the proposed amendments to the Rules of CBOE, and the proposed Voting Agreement between CBOE Holdings and CBOE. C2 notes that this rule filing includes and contains descriptions of the most recent versions of the proposed Certificate of Incorporation and Bylaws of CBOE Holdings.

[6] C2 was recently registered as a national securities exchange under Section 6 of the Exchange Act. *See* Exchange Act Release No. 61152 (Dec. 10, 2009), 74 FR 66699 (Dec. 16, 2009). When operational, C2 will operate an all-electronic marketplace for the trading of listed options. It will not maintain a physical trading floor.

interests in CBOE will become stockholders of CBOE Holdings through the conversion of their memberships into shares of common stock of CBOE Holdings. In addition, members of the settlement class in the lawsuit brought by The Board of Trade of the City of Chicago, Inc., its parent company CME Group, Inc. and a class of individuals (collectively, the "CBOT Parties") against CBOE and CBOE's Board of Directors will become stockholders of CBOE Holdings.[7]

As noted above, C2 currently is a wholly-owned subsidiary of CBOE. In connection with the Restructuring Transaction, CBOE will dividend up to CBOE Holdings all of the shares of C2. As a result of the Restructuring Transaction, CBOE Holdings will hold all of the outstanding common stock of C2 and CBOE, as well as certain subsidiaries of CBOE. C2 and CBOE will continue to function as self-regulatory organizations ("SROs") and to operate their exchange businesses and facilities.

(2) CBOE Holdings

After the Restructuring Transaction, CBOE Holdings will be the parent company and sole shareholder of C2 and CBOE. The Certificate of Incorporation and the Bylaws of CBOE Holdings will govern the activities of CBOE Holdings.[8]

(A) CBOE Holdings Board of Directors

The business and affairs of CBOE Holdings will be managed by or under the direction of its Board of Directors ("CBOE Holdings Board"). The CBOE Holdings Board will consist of between 11 and 23 directors, the exact number to be fixed by the CBOE Holdings Board from time to time pursuant to resolution adopted by the Board.[9] It is intended that the initial CBOE Holdings Board following the Restructuring Transaction will be composed of the 22 individuals that are the directors of CBOE immediately prior to the Restructuring Transaction. At all times at least two-thirds of the CBOE Holdings directors will satisfy the independence requirements adopted by the CBOE Holdings Board, as may be modified and amended by the Board from time to time, and which shall satisfy the independence requirements contained in the listing standards of NYSE or The Nasdaq Stock Market.[10]

The CBOE Holdings Board will appoint one of the directors on the CBOE Holdings Board to serve as Chairman of the CBOE Holdings Board.[11] The CBOE Holdings Bylaws do not restrict the Chief Executive Officer of CBOE Holdings from serving in this role.[12] The CBOE Holdings Board also may appoint an independent director to serve as Lead Director, who will perform such duties and possess such powers as the CBOE Holdings Board may from time to time prescribe.[13] All CBOE Holdings directors will serve one-year terms.[14] There is no limit on the number of terms a director may serve on the CBOE Holdings Board.

The CBOE Holdings Board or a committee thereof each year will nominate CBOE Holdings director candidates for election at the CBOE Holdings annual meeting of shareholders.[15] In this regard, the Nominating and Governance Committee, which is described below, will nominate candidates for the CBOE Holdings Board. Each holder of CBOE Holdings voting stock will be entitled to one vote for each share of voting stock he or she holds, except as otherwise provided by the General Corporation Law of the State of Delaware or the Certificate of Incorporation or Bylaws of CBOE Holdings.[16] At each annual meeting of the shareholders of CBOE Holdings at which a quorum is present, the individuals receiving a plurality of the votes cast will be elected directors of CBOE Holdings.[17]

(B) Committees of CBOE Holdings

CBOE Holdings will have an Executive Committee, an Audit Committee, a Compensation Committee, a Nominating and Governance Committee, as well as such other committees that the CBOE Holdings Board establishes.[18] The Nominating and Governance Committee will consist of at least five directors, all of whom will be Independent Directors and be recommended by the Nominating and Governance Committee for approval by the CBOE Holdings Board.[19] Members of the Executive, Audit, and Compensation Committees of CBOE Holdings will be recommended by the Nominating and Governance Committee for approval by the CBOE Holdings Board.[20]

The Executive Committee will have and may exercise all the powers and authority of the CBOE Holdings Board in the management of the business and affairs of CBOE Holdings, except it will not have the power or authority of the CBOE Holdings Board in reference to, among other things, amending the CBOE Holdings Certificate of Incorporation, adopting an agreement of merger or consolidation, approving the sale, lease or exchange of all or substantially all of the CBOE Holdings' property and assets, or approving the dissolution of CBOE Holdings or a revocation of a

[7] *CME Group Inc. et al.* v. *CBOE Inc. et al.,* Civil Action No. 2369–VCN (Filed Aug. 23, 2006). CBOE entered into a Stipulation of Settlement ("Stipulation") on August 20, 2008 with the CBOT Parties to resolve this lawsuit. The Stipulation and amendments to it can be found at (*http://www.cboe.org/Legal/).*

[8] While certain provisions of the Certificate of Incorporation and Bylaws for CBOE Holdings are not related to the operation of C2 or CBOE, for so long as CBOE Holdings controls any Regulated Securities Exchange Subsidiary (currently, C2 and CBOE), before any amendment, alteration or repeal of any provision of the Certificate of Incorporation and Bylaws of CBOE Holdings becomes effective, such amendment, alteration or repeal will be submitted to the Board of Directors of each Regulated Securities Exchange Subsidiary, and if such amendment, alteration or repeal must be filed with or filed with and approved by the Commission, then such amendment, alteration or repeal will not become effective until filed with or filed with and approved by the Commission, as the case may be. *See* proposed Article Eleventh of the CBOE Holdings Certificate of Incorporation and proposed Article 10.2 of the CBOE Holdings Bylaws. The term "Regulated Securities Exchange Subsidiary" is defined as "any national securities exchange controlled, directly or indirectly, by [CBOE Holdings], including, but not limited to CBOE." *See* proposed Article Fifth(a) of the CBOE Holdings Certificate of Incorporation.

[9] *See* proposed Article Seventh(b) of the CBOE Holdings Certificate of Incorporation and proposed Article 3.2 of the CBOE Holdings Bylaws.

[10] *See* proposed Article 3.3 of the CBOE Holdings Bylaws.

[11] *See* proposed Article 3.6 of the CBOE Holdings Bylaws.

[12] *See* proposed Article 5.1 of the CBOE Holdings Bylaws.

[13] *See* proposed Article 3.7 of the CBOE Holdings Bylaws.

[14] *See* proposed Article 3.2 of the CBOE Holdings Bylaws. Directors will serve one-year terms ending on the annual meeting following the meeting at which such directors were elected or at such time as their successors are elected or appointed and qualified, except in the event of earlier death, resignation or removal.

[15] *See* proposed Article 2.11 of the CBOE Holdings Bylaws. Subject to certain conditions, stockholders also have the right under this provision to nominate persons for the CBOE Holdings Board.

[16] *See* proposed Article 2.8 of the CBOE Holdings Bylaws.

[17] *See* proposed Article 2.10 of the CBOE Holdings Bylaws. Except as otherwise provided by law or the Certificate of Incorporation or Bylaws of CBOE Holdings, the holders of a majority in voting power of the shares of the capital stock of CBOE Holdings issued and outstanding and entitled to vote at the meeting (after taking into account the effect of any reduction of the number of shares entitled to vote as a result of the voting limitations imposed by Article Sixth of the Certificate of Incorporation of CBOE Holdings, if any), present in person or represented by proxy, will constitute a quorum for the transaction of business. *See* proposed Article 2.6 of the CBOE Holdings Bylaws. The voting limitations in Article Sixth are discussed below.

[18] *See* proposed Article 4.1 of the CBOE Holdings Bylaws. The CBOE Holdings Board will designate the members of these other committees and may designate a Chairman and a Vice-Chairman thereof.

[19] *See* proposed Article 4.5 of the CBOE Holdings Bylaws.

[20] *See* proposed Articles 4.2, 4.3 and 4.4 of the CBOE Holdings Bylaws.

dissolution.[21] The Audit, Compensation, and Nominating and Governance Committees will have such duties and may exercise such authority as may be prescribed by the CBOE Holdings Board and their respective Charters as adopted by resolution of the CBOE Holdings Board.[22]

(C) Officers of CBOE Holdings

The officers of CBOE Holdings will be the Chief Executive Officer, a Chief Financial Officer, a President, one or more Vice-Presidents (the number thereof to be determined by the CBOE Holdings Board), a Secretary, a Treasurer, and such other officers as the CBOE Holdings Board may determine, including an Assistant Secretary or Assistant Treasurer.[23] The CBOE Holdings Board by an affirmative vote of the majority of the board will appoint the Chief Executive Officer of CBOE Holdings, who will have general charge and supervision of the business of the CBOE Holdings.[24] In general, the other officers of CBOE Holdings will have the duties or powers or both set out in the CBOE Holdings Bylaws, as well as such other duties or powers or both as the CBOE Holdings Board or the Chief Executive Officer may from time to time prescribe.[25]

(D) Shareholder Restrictions

In addition to the restrictions on the ability of certain CBOE Holdings stockholders to transfer their shares prior to and after an initial public offering if such an offering were to occur, the Certificate of Incorporation of CBOE Holdings places certain ownership and voting limits on the holders of CBOE Holdings stock and their Related Persons.[26] These restrictions are intended to address the possibility that a person holding a controlling interest in an SRO could use that interest to affect the SRO's regulatory responsibilities under the Exchange Act.[27] In particular, these restrictions provide that:

Ownership

- No person (either alone or together with its Related Persons) may beneficially own directly or indirectly shares of stock representing in the aggregate more than 10% of the total outstanding shares of CBOE Holdings stock; provided, that, in the event a public offering of common stock is completed, the ownership percentage that a person is permitted to beneficially own will increase from 10% to 20% of the total outstanding shares of CBOE Holdings stock;[28] and
- In the event that a person, either alone or together with its Related Persons, beneficially owns shares of stock representing more than 10% of the outstanding shares of stock (or, in the event that a public offering of common stock has been completed, 20% of the outstanding shares of stock), CBOE Holdings will be obligated to redeem promptly, at a price equal to the par value of such shares of stock and to the extent that funds are legally available for such redemption, that number of shares of stock necessary so that such person, together with its Related Persons, will beneficially own directly or indirectly shares of stock representing in the aggregate no more than 10% of the outstanding shares of stock (or, in the event that a public offering of common stock has been completed, 20% of the outstanding shares of stock), after taking into account that such repurchased shares will become treasury shares and will no longer be deemed to be outstanding.[29]

Voting

- No person (either alone or together with its Related Persons) will be entitled to vote or cause the voting of shares of stock beneficially owned directly or indirectly by that person or those Related Persons to the extent that those shares would represent in the aggregate more than 10% of the total number of votes entitled to be cast on any matter, and no person (either alone or together with its Related Persons) will be entitled to vote more than 10% of the total number of votes entitled to be cast on any matter by virtue of agreements entered into by that person or those Related Persons with other persons not to vote shares of outstanding stock; provided, that, in the event a public offering of common stock is completed, the voting percentage that any person is permitted to control, whether through beneficial ownership or other agreement, will increase from 10% to 20% of the total number of votes entitled to be cast on any matter;[30] and
- In the event that a person, either alone or together with its Related Persons, is entitled to vote or cause the voting of shares representing in the aggregate more than 10% (or, in the event that a public offering of common stock has been completed, 20%) of the total number of votes entitled to be cast on any matter (including if it and its Related Persons possess this voting power by virtue of agreements entered into with other persons not to vote shares of stock), then such person, either alone or together with its Related Persons, will not be entitled to vote or cause the voting of these shares of stock to the extent that such shares represent in the aggregate more than 10% (or, in the event that a public offering of common stock has been completed, 20%) of the total number of votes entitled to be cast on any matter, and any such votes purported to be cast in excess of this percentage will be disregarded.[31]

The CBOE Holdings Board of Directors may waive the provisions regarding ownership and voting limits by a resolution expressly permitting ownership or voting rights in excess of such limits (which resolution must be filed with and approved by the SEC

[21] *See* proposed Article 4.2 of the CBOE Holdings Bylaws.

[22] *See* proposed Articles 4.3, 4.4 and 4.5 of the CBOE Holdings Bylaws.

[23] *See* proposed Article 5.1 of the CBOE Holdings Bylaws.

[24] *See* proposed Articles 5.1 and 5.2 of the CBOE Holdings Bylaws.

[25] *See* proposed Articles 5.3, 5.4, 5.5, 5.6 and 5.7 of the CBOE Holdings Bylaws.

[26] The term "Related Person" is defined in proposed Article Fifth(a) of the CBOE Holdings Certificate of Incorporation and includes, among other things, any "person associated with a member" (as such term is defined in Section 3(a)(21) of the Exchange Act).

[27] In 2004, the Commission proposed rules that were designed to address conflicts of interest relating to for-profit SROs. *See, e.g.,* Securities Exchange Act Release No. 50699 (Nov. 18, 2004), 69 FR 71126 (Dec. 8, 2004).

[28] *See* proposed Article Sixth(b) of the CBOE Holdings Certificate of Incorporation.

[29] *See* proposed Article Sixth(b) of the CBOE Holdings Certificate of Incorporation. If and to the extent that shares of CBOE Holdings stock beneficially owned by any person or its Related Persons are held of record by any other person, this provision will be enforced against such record owner by requiring the redemption of shares of CBOE Holdings stock held by such record owner in a manner that will accomplish the ownership limitation applicable to such person and its Related Persons.

[30] *See* proposed Article Sixth(a) of the CBOE Holdings Certificate of Incorporation. The voting limitation does not apply to a solicitation of a revocable proxy by any CBOE Holdings stockholder on behalf of CBOE Holdings or by directors or officers of CBOE Holdings on behalf of CBOE Holdings or to a solicitation of a revocable proxy by a stockholder in accordance with Regulation 14A under the Exchange Act. 17 CFR 240.14A. This exception, however, would not apply to a solicitation by a stockholder pursuant to Rule 14a–2(b)(2) under the Exchange Act, which permits a solicitation made otherwise than on behalf of CBOE Holdings where the total number of persons solicited is not more than 10.

[31] *See* proposed Article Sixth(a) of the CBOE Holdings Certificate of Incorporation. If and to the extent that shares of CBOE Holdings stock beneficially owned by any person or its Related Persons are held of record by any other person, this provision will be enforced against such record owner by limiting the votes entitled to be cast by such record owner in a manner that will accomplish the voting limitation applicable to such person and its Related Persons.

prior to being effective), subject to a determination of the Board that: [32]

- The acquisition of beneficial ownership in excess of the ownership limits or the exercise of voting rights in excess of the voting limits will not impair the ability of CBOE Holdings and any Regulated Securities Exchange Subsidiary to discharge their responsibilities under the Exchange Act and the rules and regulations under the Exchange Act and is otherwise in the best interests of CBOE Holdings and its stockholders and the Regulated Securities Exchange Subsidiaries;
- The acquisition of beneficial ownership in excess of the ownership limits or the exercise of voting rights in excess of the voting limits will not impair the SEC's ability to enforce the Exchange Act;
- Neither the person obtaining the waiver nor any of its Related Persons is subject to any statutory disqualification (as defined in Section 3(a)(39) of the Exchange Act) if such person is seeking to obtain a waiver above the applicable ownership or voting percentage level; [33] and
- For so long as CBOE Holdings directly or indirectly controls any Regulated Securities Exchange Subsidiary, neither the person obtaining the waiver nor any of its Related Persons is a Trading Permit Holder in any Regulated Securities Exchange Subsidiary if such person is seeking to obtain a waiver above the applicable ownership or voting percentage level.

In making these determinations, the CBOE Holdings Board may impose conditions and restrictions on the relevant stockholder and its Related Persons that it deems necessary, appropriate or desirable in furtherance of the objectives of the Exchange Act and the governance of CBOE Holdings.[34]

The CBOE Holdings Certificate of Incorporation also provides that the CBOE Holdings Board has the right to require any person and its Related Persons that the Board reasonably believes (i) to be subject to the ownership or voting restrictions summarized above, or (ii) to beneficially own an aggregate of 5% or more of the then outstanding shares of CBOE Holdings stock entitled to vote on any matter, which ownership has not been reported to CBOE Holdings, to provide to CBOE Holdings complete information as to all shares of the stock that such stockholder beneficially owns, as well as any other information relating to the applicability to such stockholder of the voting and ownership requirements outlined above as may reasonably be requested.[35]

CBOE has received a legal opinion that the foregoing ownership and voting rights limitations, as well as the provisions providing for the redemption of shares held by a person (either alone or together with its Related Persons) in excess of the ownership limitation, are valid under Delaware law.

(E) Self-Regulatory Function and Oversight

The CBOE Holdings Certificate of Incorporation contains various provisions designed to protect the independence of the self-regulatory function of any Regulated Securities Exchange Subsidiary (currently, C2 and CBOE) and to make clear the Commission's and each Regulated Securities Exchange Subsidiary's jurisdiction with respect to CBOE Holdings. For example, pursuant to the CBOE Holdings Certificate of Incorporation, for so long as CBOE Holdings controls any Regulated Securities Exchange Subsidiary, each officer, director and employee of CBOE Holdings must give due regard to the preservation of the independence of the self-regulatory function of the Regulated Securities Exchange Subsidiaries and to their obligations under the Exchange Act.[36] In addition, such officers, directors and employees are specifically prohibited from taking any actions that they reasonably should have known would interfere with the effectuation of any decisions by the Board of Directors of any Regulated Securities Exchange Subsidiary relating to such Regulated Securities Exchange Subsidiary's regulatory functions, including disciplinary matters, or would adversely affect the Regulated Securities Exchange Subsidiary's ability to carry out its responsibilities under the Exchange Act.[37]

The CBOE Holdings Certificate of Incorporation also contains a specific requirement that to the fullest extent permitted by applicable law, all confidential information pertaining to the self-regulatory function of Regulated Securities Exchange Subsidiaries (including but not limited to disciplinary matters, trading data, trading practices and audit information) contained in the books and records of any Regulated Securities Exchange Subsidiary that comes into the possession of CBOE Holdings will: (1) Not be made available to any persons other than to those officers, directors, employees and agents of CBOE Holdings that have a reasonable need to know the contents thereof; (2) be retained in confidence by CBOE Holdings and the officers, directors, employees and agents of CBOE Holdings; and (3) not be used for any commercial purposes.[38] The CBOE Holdings Certificate of Incorporation also provides that for so long as CBOE Holdings controls any Regulated Securities Exchange Subsidiary, the books, records, premises, officers, directors and employees of CBOE Holdings will be deemed to be the books, records, premises, officers, directors and employees of the Regulated Securities Exchange Subsidiary for purposes of and subject to oversight pursuant to the Act, but only to the extent that such books, records, premises, officers, directors and employees of CBOE Holdings relate to the exchange business of such Regulated Securities Exchange Subsidiary.[39]

Further, the CBOE Holdings Certificate of Incorporation provides that CBOE Holdings will take reasonable steps necessary to cause its directors, officers and employees, prior to accepting such a position with CBOE Holdings, to consent in writing to the applicability to them of Article Fourteenth, Article Fifteenth and Sections (c) and (d) of Article Sixteenth of the CBOE Holdings Certificate of Incorporation, as applicable, with respect to their activities related to any of the Regulated Securities Exchange Subsidiaries.[40] In addition, CBOE Holdings will take reasonable steps necessary to cause its agents, prior to

[32] *See* proposed Articles Sixth(a) and (b) of the CBOE Holdings Certificate of Incorporation.

[33] 15 U.S.C. 78c(a)(39).

[34] *See* proposed Articles Sixth(a) and (b) of the CBOE Holdings Certificate of Incorporation.

[35] *See* proposed Article Sixth(d) of the CBOE Holdings Certificate of Incorporation.

[36] *See* proposed Article Sixteenth(c) of the CBOE Holdings Certificate of Incorporation.

[37] *Id.*

[38] Notwithstanding this restriction, nothing in the CBOE Holdings Certificate of Incorporation will be interpreted so as to limit or impede the rights of the SEC or any Regulated Securities Exchange Subsidiary to access and examine such confidential information pursuant to the Federal securities laws and the rules and regulations thereunder, or to limit or impede the ability of any officers, directors, employees or agents of CBOE Holdings to disclose such confidential information to the SEC or any Regulated Securities Exchange Subsidiary. *See* proposed Article Fifteenth of the CBOE Holdings Certificate of Incorporation.

[39] The books and records related to the exchange business of a Regulated Securities Exchange Subsidiary will be subject at all times to inspection and copying by the SEC and the Regulated Securities Exchange Subsidiary. *Id.* In addition, the CBOE Holdings Bylaws provide that the books of CBOE Holdings must be kept within the United States. *See* proposed Section 1.3 of the CBOE Holdings Bylaws.

[40] *See* proposed Article Sixteenth(b) of the CBOE Holdings Certificate of Incorporation.

accepting such a position with CBOE Holdings, to be subject to the provisions of Article Fourteenth, Article Fifteenth and Sections (c) and (d) of Article Sixteenth of the CBOE Holdings Certificate of Incorporation, as applicable, with respect to their activities related to any of the Regulated Securities Exchange Subsidiaries.

The CBOE Holdings Certificate of Incorporation also provides that CBOE Holdings, its directors, officers, agents and employees, irrevocably submit to the jurisdiction of the U.S. Federal courts, the SEC, and the Regulated Securities Exchange Subsidiaries, for the purposes of any suit, action or proceeding pursuant to U.S. Federal securities laws or the rules or regulations thereunder, commenced or initiated by the SEC arising out of, or relating to, the Regulated Securities Exchange Subsidiaries' activities.[41] Further, the Certificate of Incorporation provides that CBOE Holdings, its directors, officers, agents and employees, waive, and agree not to assert by way of motion, as a defense or otherwise in any such suit, action or proceeding, any claims that they are not personally subject to the jurisdiction of the U.S. Federal courts, the SEC, and the Regulated Securities Exchange Subsidiaries, that the suit, action or proceeding is an inconvenient forum or that the venue of the suit, action or proceeding is improper, or that the subject matter thereof may not be enforced in or by such courts or agency.[42]

In addition, the CBOE Holdings Certificate of Incorporation (and Bylaws) provide that, before any amendment or repeal of any provision of the Certificate of Incorporation and Bylaws of CBOE Holdings becomes effective, such amendment or repeal will be submitted to the Board of Directors of each Regulated Securities Exchange Subsidiary, and if such amendment or repeal must be filed with or filed with and approved by the Commission, then such amendment or repeal will not become effective until filed with or filed with and approved by the Commission, as the case may be.[43] The CBOE Holdings Certificate of Incorporation also contains a provision that requires each director of the Board of CBOE Holdings to take into consideration the effect that CBOE Holdings' actions would have on each Regulated Securities Exchange Subsidiary's ability to carry out its responsibilities under the Exchange Act.[44]

(3) C2

CBOE Holdings will become the parent company and sole shareholder of C2 (and CBOE) in connection the demutualization of CBOE. C2 (and CBOE), and not CBOE Holdings, will continue to be the entities registered as national securities exchanges under Section 6 of the Exchange Act.

(A) C2 Certificate of Incorporation and Bylaws

The Commission recently approved C2's Certificate of Incorporation and Bylaws, which are modeled after the proposed Certificate of Incorporation and Bylaws for CBOE after it demutualizes and becomes a wholly-owned subsidiary of CBOE Holdings.[45] Accordingly, C2 is not proposing any significant changes to its Certificate of Incorporation and Bylaws. Rather, C2 is proposing to make certain changes to C2's Certificate of Incorporation to effect the change of ownership of C2 from CBOE to CBOE Holdings, to clarify certain aspects of C2's Bylaws as a result of this transfer of ownership, and to make certain ministerial changes to C2's Certificate of Incorporation and Bylaws.

With respect to C2's Certificate of Incorporation, C2 is proposing to amend Article Fourth of the certificate to transfer the ownership of all of the common stock of C2 from CBOE to CBOE Holdings. As required in Article Fourth, C2 is seeking in this proposed rule change Commission approval for this transfer of ownership of C2 from CBOE to CBOE Holdings. C2 also is amending Article Fourth to require Commission approval if CBOE Holdings sells, transfers or assigns any shares of C2 common stock. In addition, C2 is proposing to delete Article Twelfth of the C2 Certificate of Incorporation because it is no longer necessary. This provision lists the incorporator of C2 and provides that once C2's Certificate of Incorporation is filed in Delaware, C2 is required to appoint its initial Board of Directors, which is required to be compromised of the same individuals then-serving as the Board of Directors of CBOE. These actions have already been taken, and accordingly, Article Twelfth is no longer necessary.

With respect to C2's Bylaws, C2 is making several clarifying and ministerial changes to them. In particular, C2 is proposing to delete the second sentence of the first paragraph of Section 3.1 of the C2 Bylaws, which provides that "[t]he Board shall initially consist of 23 directors, including the Chief Executive Officer, twelve Non-Industry Directors and ten Industry Directors," because the initial Board of Directors of C2 ("C2 Board") has already been appointed.[46] Similarly, C2 is proposing to delete a reference in the last sentence of the first paragraph regarding the initial C2 Board because that Board has already been appointed.

C2 is proposing to amend the sixth paragraph of Section 3.1 of the C2 Bylaws to provide that all directors of the C2 Board will serve one-year terms.[47] Previously, the C2 directors were divided into two classes, with each class serving staggered two-year terms. C2 is proposing to make this change because CBOE has decided to convert all of the terms of the directors of CBOE Holdings and CBOE to one-year terms after the demutualization. Similarly, C2 is proposing to amend the fifth paragraph of Section 3.2 of the C2 Bylaws to remove a reference to electing a class of directors because C2 will no longer have different classes of directors.

C2 is proposing to amend paragraph (c) of Section 3.4 of the C2 Bylaws to clarify that Representative Directors (as opposed to any Director) can be removed for cause, which will include, but not be limited to (i) a breach of a Representative Director's duty of loyalty to C2 or its stockholders, (ii) acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) transactions from which a Representative Director derived an improper personal benefit, or (iv) a failure of a Representative Director to be free from a statutory disqualification (as defined in Section 3(a)(39) of the Act).[48] C2 is further amending this paragraph to provide that any Representative Director

[41] *See* proposed Article Fourteenth of the CBOE Holdings Certificate of Incorporation.

[42] *Id.*

[43] *See* proposed Article Eleventh of the CBOE Holdings Certificate of Incorporation and proposed Article 10.2 of the CBOE Holdings Bylaws.

[44] *See* proposed Article Sixteenth(d) of the CBOE Holdings Certificate of Incorporation.

[45] *See supra* note 5.

[46] C2 also is changing the reference to the "Board of the Corporation" in that sentence to the "Board."

[47] C2 also is proposing to amend this paragraph to clarify that C2 directors can be replaced if they become disqualified (*e.g.,* a "Non-Industry Director" becomes an "Industry Director"). Similarly, C2 is proposing to amend paragraph (a) of Section 3.5 of the C2 Bylaws to clarify that a director elected to fill a vacancy will not serve until the next annual meeting of stockholders if he or she becomes disqualified. In addition, C2 is proposing to move a reference to "Representative Directors" (described below) in the first sentence of the seventh paragraph of Section 3.1 of the C2 Bylaws to clarify the intent of that sentence.

[48] At least 20% of the directors on the Board will be nominated (or otherwise selected by a petition of C2 Permit Holders) by the Industry-Director Subcommittee of the Nominating and Governance Committee (such directors are referred to collectively as the "Representative Directors"). *See* Section 3.2 of the C2 Bylaws.

may be removed for cause by the holders of a majority of the shares of stock then entitled to be voted at an election of directors.[49] C2 is making these changes since it is no longer proposed that C2 have a classified Board (this change also will make C2's Bylaws consistent in this regard with CBOE's post-demutualization Bylaws).

C2 is proposing to amend Section 4.6 of the C2 Bylaws to provide that the C2 Regulatory Oversight Committee will consist of at least three directors instead of at least four directors. C2 believes that the Regulatory Oversight Committee will be able to function just as effectively with three or more members as it would with four or more members and is proposing this change to provide for greater flexibility in the designation of C2 Board committees.

C2 is proposing to amend Section 5.8 of the C2 Bylaws to modify the responsibilities of the Treasurer of C2. Specifically, C2 is proposing to delete the second sentence in this section, which reads "[i]n addition, the Treasurer shall perform such duties and have such powers that are incident to the office of Treasurer, including without limitation the duty to keep and be responsible for all funds of the Corporation," to make this section consistent with the Treasurer provision in CBOE's proposed post-demutualization Bylaws.

(B) C2 Rules

Because the C2 Rules use terms from and incorporate by reference CBOE Rules, C2 is proposing to make certain minor, non-substantive changes to its Rules to reflect the changes that CBOE will make to its Rules in connection with the demutualization. In this regard, CBOE is proposing to replace the term "member" (or variations of it) with the term "Trading Permit Holder" (or variations of it) throughout its Rules in connection with the demutualization.

Accordingly, C2 is proposing to adopt in C2 Rule 1.1 the term "CBOE Trading Permit," which is defined as a "Trading Permit" as such term is defined in CBOE's Bylaws and Rules, and the term "CBOE Trading Permit Holder," which is defined as a "Trading Permit Holder" as such term is defined in CBOE's Bylaws and Rules. C2 proposes to replace references in its Rules to (1) a CBOE "member" with the term "CBOE Trading Permit Holder" (or "Trading Permit Holder" in certain instances where there is a direct cross-reference to CBOE Rules),[50] (2) a CBOE "membership" with the term "CBOE Trading Permit" (or "Trading Permit" in certain instances where there is a direct cross-reference to CBOE Rules),[51] and (3) a CBOE "Clearing Member" (or variations of it) with the term "Clearing Trading Permit Holder."[52] C2 is making these changes to reflect in the C2 Rules certain changes that will be made to CBOE Rules in connection with the demutualization.

C2 also is making a few minor, non-substantive fixes to its Rules. For example, C2 is replacing references to a C2 "member" in its Rules with the term "Permit Holder" or "Participant" (which both have the same meaning under C2 Rules).[53] C2 also is deleting a reference in C2 Rule 3.3(b) regarding member organizations not registered as broker-dealers because C2 does not have such organizations (*i.e.,* all Permit Holders of C2 are required to be registered as broker-dealers). In addition, C2 is fixing some of some of the cross-references in its Rules to CBOE Rules. For instance, C2 is amending Chapter 15 of its Rules, which cross-references Chapter XV of CBOE's Rules, to provide that references to "Trading Permit Holder" (*i.e.,* CBOE Trading Permit Holder) in Chapter XV of CBOE's Rules mean "Participant" or "Permit Holder" for purposes of Chapter 15 of C2's Rules.

(C) C2 Voting Agreement With CBOE

C2 currently has in place a Voting Agreement with CBOE in which CBOE agrees to vote in favor of those individuals nominated by C2's Nominating and Governance Committee for election as C2 Representative Directors. After the demutualization, CBOE Holdings, and not CBOE, will be the sole stockholder of C2. Accordingly, C2 is proposing to enter into a new Voting Agreement with CBOE Holdings that similarly will require CBOE Holding to vote in favor of those individuals nominated by C2's Nominating and Governance Committee for election as C2 Representative Directors. This new agreement will be modeled after and virtually identical the current CBOE agreement. Accordingly, C2 proposes to change the references in the current CBOE agreement from "CBOE" to "Holdings." This will have the effect of requiring CBOE Holdings to vote in favor of those individuals nominated by C2's Nominating and Governance Committee for election as C2 Representative Directors.

In addition, C2 is adding a provision in the Voting Agreement to reflect the "for cause" removal standard for Representative Directors in C2's Bylaws, which is discussed above. This provision will provide that CBOE Holdings agrees that it will not take action to remove any Representative Director of C2 from office at any time unless CBOE Holdings believes there is cause to remove such director. For purposes of this section "cause" will include, but not be limited to, (i) a breach of a Representative Director's duty of loyalty to C2 or its stockholders, (ii) acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) transactions from which a Representative Director derived an improper personal benefit, or (iv) a failure of a Representative Director to be free from a statutory disqualification (as defined in Section 3(a)(39) of the Act).

2. Statutory Basis

For the reasons set forth above, C2 believes that this filing is consistent with Section 6(b) of the Exchange Act,[54] in general, and furthers the objectives of Section 6(b)(1) of the Exchange Act,[55] in particular, in that it enables C2 to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of C2. C2 also believes that this filing furthers the objectives of Section 6(b)(5) of the Exchange Act because the rules summarized herein would create a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.[56] Among other things, the Certificate of Incorporation and Bylaws of CBOE Holdings and C2 are designed to protect and maintain the integrity of the SRO functions of C2, and to allow it to carry out it regulatory responsibilities under the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on

[49] C2 is amending paragraph (b) of Section 3.4 of the Bylaws to replace a reference to "SEC" with "Securities and Exchange Commission ("SEC")."

[50] *See, e.g.,* proposed C2 Rule 3.1(a) and Chapter 4 of the C2 Rules.

[51] *See, e.g.,* proposed C2 Rule 3.1(c) and Chapter 16 of the C2 Rules.

[52] *See, e.g.,* proposed Chapter 11 of the C2 Rules.

[53] *See, e.g.,* proposed C2 Rules 6.55.

[54] 15 U.S.C. 78f(b).

[55] 15 U.S.C. 78f(b)(1).

[56] 15 U.S.C. 78f(b)(5).

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 35 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 such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

The Commission is considering granting accelerated approval of the proposed rule change at the end of a 15-day comment period.

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–C2–2010–002 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–C2–2010–002. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the C2. 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–C2–2010–002 and should be submitted on or before June 9, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[57]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–12507 Filed 5–24–10; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62117; File No. SR–ISE–2010–34]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change Relating to Fees for the ISE Order Feed

May 18, 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 May 11, 2010, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange 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.

[57] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees to adopt subscription fees for the sale of a new market data offering called the ISE Order Feed. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ISE proposes to amend its Schedule of Fees to adopt subscription fees for the sale of the ISE Order Feed. These proposed fee changes will be operative on July 1, 2010, pending regulatory approval.

The ISE Order Feed provides real-time updates every time a new limit order that is not immediately executable at the best bid/offer (BBO) is placed on the ISE order book. This feed does not include market orders, immediate or cancel (IOC) orders, quotes or any non-displayed interest.

While the Options Price Reporting Authority (OPRA) feed provides aggregated ISE BBO order information, the ISE Order Feed provides each individual order. The information included on the ISE Order Feed includes the order type (buy/sell), the order price, the order size, and customer indicator (which reflects whether the order is a customer order), as well as details for each instrument series, including the symbols (series and underlying security), put or call indicator, the expiration and the strike price of the series.

The ISE BBO on the OPRA feed includes all quotes provided by ISE market makers and all orders provided by members which are then aggregated

at the BBO. The ISE Order Feed, on the other hand, includes each individual limit order rather than only the aggregated volume of all orders. The ISE Order Feed does not include quote traffic, which will result in much less data for subscribers to process and less bandwidth than feeds that provide aggregated quotes and orders.

The Exchange currently does not charge fees for the ISE Order Feed. This market data offering will be made available to both members and non-members on a subscription basis. The Exchange proposes to charge distributors [3] of the ISE Order Feed (i) $2,000 per month and will not charge distributors a monthly fee per controlled device [4] as long the ISE Order Feed is for internal use only, (ii) $2,000 per month and $10 per external controlled device per month (a) if the ISE Order Feed is redistributed externally by a subscriber, or (b) if the ISE Order Feed is redistributed internally and externally. For subscribers who redistribute the ISE Order Feed externally, or redistribute the ISE Order Feed internally and externally, the Exchange proposes to limit for any one month the combined maximum amount of fees payable to $2,500. For example, a firm that subscribes to the ISE Order Feed and then redistributes it to 40 clients will pay $2,400 per month ($2,000 for the feed and $400 for the controlled device ($10 × 40)). If that same firm redistributes the data to 100 clients, the fee for that firm will be capped at $2,500, resulting in a savings of $500.

2. Statutory Basis

The basis under the Securities Exchange Act of 1934 (the "Exchange Act") for this proposed rule change is the requirement under Section 6(b)(4), that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange believes introduction of the new product will provide market participants with an opportunity to obtain additional data in furtherance of their investment decisions.

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and with Sections 6(b)(4) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which ISE operates or controls.

The Exchange believes that the proposed rule change is also consistent with the provisions of Section 6(b)(5) of the Act,[7] in that it is 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 and a national market system, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by the Act matters not related to the purposes of the Act or the administration of the Exchange.

The Exchange believes that the proposed rule change is also consistent with Section 6(b)(8) of the Act [8] in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as set forth in more detail below.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

The Commission has recently issued an order firmly establishing that in reviewing non-core data products such as the ISE Order Feed, the Commission will utilize a market-based approach that relies primarily on competitive forces to determine the terms on which non-core data is made available to investors.[9] The Commission adopted a two-part test:

> The first is to ask whether the exchange was subject to significant competitive forces in setting the terms of its proposal for non-core data, including the level of any fees. If an exchange was subject to significant competitive forces in setting the terms of a proposal, the Commission will approve the proposal unless it determines that there is a substantial countervailing basis to find that the terms nevertheless fail to meet an applicable requirement of the Exchange Act or the rules thereunder. If, however, the exchange was not subject to significant competitive forces in setting the terms of a proposal for non-core data, the Commission will require the exchange to provide a substantial basis, other than competitive forces, in its proposed rule change demonstrating that the terms of the proposal are equitable, fair, reasonable, and not unreasonably discriminatory.[10]

This standard begins from the premise that no Commission rule requires exchanges or market participants either to distribute non-core data to the public or to display non-core data to investors.[11]

In its NetCoalition Order the Commission concluded that "at least two broad types of significant competitive forces applied to NYSE Arca in setting the terms of its proposal to distribute the ArcaBook data: (1) NYSE Arca's compelling need to attract order flow from market participants; and (2) the availability to market participants of alternatives to purchasing the ArcaBook data. The Commission conducted an exhaustive 14-page review of these two competitive forces before concluding that the availability of alternatives, as well as the compelling need to attract order flow, imposed significant competitive pressure on that exchange's need to act equitably, fairly, and reasonably in setting the terms of the fees for its non-core data product.[12]

The market data provided in the ISE Order Feed is non-core data that is governed by the same analysis the Commission set forth in the NetCoalition Order. As with the NYSE Arca depth-of-book product, no rules require ISE or any other exchange to offer this data; nor are vendors required to purchase or display this data.

Additionally, ISE is constrained by the same two competitive forces in the options market as the Commission found was present in the NetCoalition Order. First, ISE has a compelling need to attract order flow from market participants in order to maintain its share of trading volume. This compelling need to attract order flow imposes significant pressure on ISE to act reasonably in setting the fees for its market data offerings, particularly given that the market participants that will pay such fees often will be the same

[3] A "distributor" is any firm that receives the ISE Order Feed directly from ISE or indirectly through a "redistributor" and then distributes it either internally or externally. All distributors will be required by the Exchange to execute an ISE distributor agreement. "Redistributors" include market data vendors and connectivity providers such as extranets and private network providers.

[4] A "controlled device" is as any device that a distributor of the ISE Order Feed permits to access the information in the ISE Order Feed.

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b)(8).

[9] *See* Securities Exchange Act Release No. 57917 (Dec. 2, 2008) ("NetCoalition Order" resolving File No. SR–NYSEArca–2006–21).

[10] *Id.* at 48–49.

[11] *Id.* at 4.

[12] *Id.* at 51–65. The Commission then spent an additional 36 pages (65–101) analyzing and refuting comments challenging the Commission's competition analysis.

market participants from whom ISE must attract order flow. These market participants include broker-dealers that control the handling of a large volume of customer and proprietary order flow. Given the portability of order flow from one exchange to another, any exchange that sought to charge unreasonably high market data fees would risk alienating many of the same customers on whose orders it depends for competitive survival.

Second, the Exchange is constrained in pricing the ISE Order Feed by the availability to market participants of alternatives to purchasing ISE's market data offerings. ISE must consider the extent to which market participants would choose one or more alternatives instead of purchasing the exchange's data. Other exchanges, including some who may enjoy greater market share than ISE, are potential competitors as they too sell similar market data offerings that market participants may choose to purchase instead. For example, NASDAQ OMX PHLX ("PHLX") has filed a proposed rule change to adopt fees for a market data product that includes a data feed that is similar to the ISE Order Feed.[13] The PHLX' Specialized Order Feed, which PHLX has proposed to integrate into its TOPO Plus Orders market data offering, includes "real-time information to keep track of single order book(s)."[14] Further, the NetCoalition Order notes that one of the principal market data reforms adopted by the Commission was to authorize the independent distribution of data by broker/dealers. If one or more broker/dealers determine that the cost of subscribing to the ISE Order Feed is too high, they are entitled to independently distribute their own order data and may do so with or without charging a fee.[15]

In the aftermath of the NetCoalition Order, the Exchange believes that the competition among exchanges for order flow and the competition among exchanges for market data products subject ISE's proposed market data offerings to significant competitive forces. In addition, the Exchange believes that no substantial countervailing basis exists to support a finding that the proposed fees fail to meet the requirement of the Act. In sum, the availability of alternative sources of information impose significant competitive pressures on the ISE Order Feed and ISE's compelling need to attract order flow impose significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting its fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 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 such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–ISE–2010–34 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–ISE–2010–34. 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,[16] all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2010–34 and should be submitted on or before June 15, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–12506 Filed 5–24–10; 8:45 am]

BILLING CODE 8010–01–P

[13] *See* Securities Exchange Act Release No. 61878 (April 8, 2010), 75 FR 20023 (April 16, 2010) (SR–PHLX–2010–48).

[14] *Id.*

[15] NetCoalition Order at 63.

[16] The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov/rules/sro.shtml.*

[17] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2010–0076]

Agency Request for Emergency Approval of an Information Collection

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) provides notice that it will submit an information collection request (ICR) to the Office of Management and Budget (OMB) for emergency approval of a proposed information collection under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501 *et seq.*). Upon

receiving the requested six-month emergency approval by OMB, OST will follow the normal, 6 month PRA procedures to obtain extended approval for this proposed information collection. This collection involves the National Infrastructure Investments Grant Program or "TIGER II Discretionary Grants" pursuant to Title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 (Div. A of the Consolidated Appropriations Act, 2010 (Pub. L. 111–117, Dec. 16, 2009)) ("FY 2010 Appropriations Act"). Title I established a new program for OST to provide Supplemental Discretionary Grants for National Infrastructure Investments. OST is referring to these grants as TIGER II Discretionary Grants which include promoting economic recovery and supporting projects that have a significant impact on the Nation, Metropolitan area or a region.

The information to be collected is necessary in order to receive and evaluate applications for grant funds pursuant to the FY 2010 Appropriations Act.

The announcement of grant awards may not be made before September 15, 2010, and OST anticipates awarding grants as soon as possible thereafter. Information related to this ICR, including applicable supporting documentation may be obtained by contacting Robert Mariner, Office of the Assistant Secretary for Transportation Policy, at (202) 366–8914 or *Robert.Mariner@dot.gov*.

DATES: Comments should be submitted as soon as possible upon publication of this notice in the **Federal Register**. Comments and questions should be directed to the Office of Information and Regulatory Affairs (OIRA), Attn: OST OMB Desk Officer, 725 17th Street, NW., Washington, DC 20503. Comments and questions about the ICR identified below may be transmitted electronically to OIRA at *oira_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2105–New.

Title: National Infrastructure Investments.

Form Numbers: None.

Type of Review: Emergency information collection request.

Expected Number of Respondents: 1,500.

Frequency: One time collection.

Estimated Average Burden per Response: 100 hours.

Estimated Total Annual Burden: 150,000 hours.

Abstract: On December 16, 2009, the President of the United States signed the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 (Div. A of the Consolidated Appropriations Act, 2010 (Pub. L. 111–117, Dec. 16, 2009)) ("FY 2010 Appropriations Act") which appropriated $600 million to be awarded for National Infrastructure Investments or "TIGER II Discretionary Grants." Funds for the TIGER II Discretionary Grant Program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, Metropolitan area or a region.

On April 26, 2010, the Department published an interim notice announcing the availability of funding for TIGER II Discretionary Grants, project selection criteria, pre-application requirements, application requirements and the deadline for submitting pre-applications is no later than July 16, 2010, and final applications no later than August 23, 2010. OST will begin accepting grant applications on July 30, 2010 through Grants.gov upon approval from OMB.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Roy Kienitz,

Under Secretary for Transportation Policy.

[FR Doc. 2010–12513 Filed 5–24–10; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0143]

Motor Carrier Safety Advisory Committee Public Meeting

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of Motor Carrier Safety Advisory Committee meeting.

SUMMARY: FMCSA announces that its Motor Carrier Safety Advisory Committee (MCSAC) will hold a three-day committee meeting concerning distracted driving by commercial motor vehicle (CMV) operators, from June 8 through June 10, 2010. This meeting is open to the public.

DATES: *Meeting dates:* The meeting will be held on the following dates: Tuesday, June 8, from 8:30 a.m. to 5 p.m.; Wednesday, June 9, from 8:30 a.m. to 4:30 p.m.; and Thursday, June 10, 2010, from 8:30 a.m. to 3:30 p.m., Eastern Standard Time.

Location: Hilton Alexandria Old Town, Washington and Jefferson Rooms, 2nd Floor, 1767 King Street, Alexandria, VA 22314 (located across the street from the King Street Metrorail Station).

Subject: FMCSA will request that MCSAC provide information, concepts, and ideas on ways to prevent distracted driving by commercial motor vehicle operators, with a particular emphasis on in-cab technologies and activities. This task will assist FMCSA in identifying options for addressing driver distraction associated with certain in-cab technologies. This activity is separate from FMCSA's current rulemaking concerning texting and the Agency's forthcoming rulemaking concerning the use of wireless telephones. In addition, FMCSA will seek information, and ideas for consideration in updating the Agency's Strategic Plan.

FOR FURTHER INFORMATION CONTACT: Ms. Shannon L. Watson, Senior Management Analyst, Strategic Planning and Program Evaluation Division, Office of Policy Plans and Regulation, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 385–2395, or e-mail *mcsac@dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 4144 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59, 119 Stat. 1144, August 10, 2005) required the Secretary of Transportation to establish a Motor Carrier Safety Advisory Committee. The committee provides advice and recommendations to the FMCSA Administrator on motor carrier safety programs and regulations and operates in accordance with the Federal Advisory Committee Act (5 U.S.C. App 2).

II. Meeting Participation

Comments from the public will be heard orally during the last hour of each day's meeting. To be assured of timely consideration, interested parties may submit written comments on the subject topic by Wednesday, June 2, 2010, to the Federal Docket Management System (FDMS) in Docket Number FMCSA–2010–0143 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building, Room WI2–140, Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey

Avenue, SE., Room WI2–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Issued on: May 19, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. 2010–12616 Filed 5–24–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Safety Advisory 2010–01

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory; Safety Appliance Securement, Potential Failure of Welded and/or Notched Vertical Hand Brake Supports on FTTX Flatcars.

SUMMARY: FRA is issuing Safety Advisory 2010–01 in order to provide guidance to interested parties concerning the inspection and repair of FTTX series flatcars that have welded vertical hand brake supports that have been modified to accommodate a 10-inch wide hand brake step. FRA's Office of Railroad Safety Motive Power and Equipment (MP&E) Division has been notified that approximately 1,851 FTTX series flatcars that are owned by TTX Company (TTX) may have a notch cut into the vertical hand brake supports, which compromises the safety of the hand brake support angles.

FOR FURTHER INFORMATION CONTACT: Tom Blankenship, Mechanical Engineer, MP&E Division (RRS–14); FRA Office of Safety Assurance and Compliance, 1200 New Jersey Avenue, SE., Washington, DC 20590, telephone: (202) 493–6446.

SUPPLEMENTARY INFORMATION: On May 29, 2008, at approximately 10:17 a.m. (CST), a railroad employee was riding a cut of four cars while attempting to set the hand brake on Flatcar GVSR 209000. During this task, the hand brake support angles, which had been previously welded, suddenly broke; this may have contributed to the employee falling under the rolling equipment, resulting in a fatality. Preliminary details of this incident indicate that the welded vertical hand brake support angles had an "old break" condition that allowed the remaining weld to fail when force was applied to the hand brake. Field investigation of the failed vertical hand brake support indicated that the hand brake and/or brackets were improperly applied or not mechanically fastened to the car. *See* Title 49 Code of Federal Regulations (CFR) Sections 231.1(a)(4)(iii) and 231.27(a)(4)(iii), and Safety Appliance Defect Code 231.110.B3, requiring hand brake housing to be securely fastened to a car. As a result of this fatality, FRA issued Safety Advisory 2008–02 stating that additional flatcars may have vertical hand brake supports that could be subject to a similar type of failure.

Recognizing the need to ensure safety, FRA recommended that railroads and car owners operating flatcars that have a vertical hand brake support that is welded to the carbody carefully inspect the cars to determine the adequacy of any welded securement. Further, any car found with a defective condition should be immediately handled for repair in accordance with 49 U.S.C. 20303, and repaired in accordance with accepted industry practice or by using approved fasteners as outlined in 49 CFR 231.1(a)(4)(iii). Welding, where present, must be done in accordance with industry practice, as specified in American Welding Society (AWS) Standards D1 and D15.

Regional FRA inspectors have recently observed flatcars in TTX ownership with FTTX reporting marks, which may also pose a significant safety risk on account of notched vertical handbrake supports. The vertical handbrake supports appear to have been "notched" in order to apply a nonstandard 10-inch brake step in place of the 8-inch brake step that was originally designed for the cars. Cars tentatively identified that may have the nonstandard 10-inch brake step include, but are not limited to, the following car series:

Known cars	Possible series involved
FTTX 961917	961370–961917
FTTX 971554	971049–971613
FTTX 972703, 972762, 972235	972047–972946
FTTX 940540	940182–940872
FTTX 963325	963325

FRA has contacted the Association of American Railroads (AAR) and the car owner, TTX, to alert AAR and its member railroads of the potential safety risk these cars may pose in service. TTX and AAR have issued an Early Warning (EW–5240) in accordance with AAR Rule 125, which includes inspection instructions, temporary repair of affected cars, and the recommended disposition of subject cars.

Recommended Action: Due to the application of nonstandard 10-inch wide brake steps, the strength of the vertical hand brake stanchions may have been compromised on the above-noted FTTX flatcars. As with the GVSR flatcar, there is a potential for cracked vertical stanchions. FRA recommends and has requested that TTX furnish FRA with the following information for the FTTX cars involved:

1. The number of cars in TTX ownership (to include the reporting marks with number series) that may have a welded vertical handbrake support;

2. The location of each car that is in service or storage;

3. Each car that has been designated for scrapping, identified by car number and storage location;

4. A full description, calculations, and drawings/sketches for the proposed "temporary fix";

5. Any cars that have a "notched stanchion," and any cars with improperly applied hand brakes, must be handled in accordance with 49 U.S.C. 20303. Repairs to subject cars must be performed in accordance with accepted industry practice or by using approved fasteners, as outlined in 49 CFR 231.27(a)(4)(iii). Welding, where present, must be performed to an acceptable manufacturing welding industry standard (AWS) within a certified weld facility that typically makes weld repairs to freight cars; and

6. A concise "action plan" that includes the following:

a. Schedule of car inspections covering those TTX cars potentially at risk;

b. Description of car disposition (scrap, temporary repair, or permanent repair);

c. Schedule of when all cars will have permanent repairs completed. Schedule to include number of cars that will be repaired on a monthly basis, and projected versus actual cars repaired;

d. List of all cars that have or will have a welded repair. The list should include the name of the AWS-qualified shop that will make the repair for each car; and

e. A final proposed permanent repair with attached drawings and procedures.

At this time, FRA further recommends that AAR and TTX continue to inspect and repair all of the above-noted series flatcars, and immediately handle for repair those cars found with defective fastening conditions in accordance with EW–5240 via the following steps:

1. *Empty Cars.* Conduct a visual inspection of the vertical hand brake supports for cracks or evidence of a

stanchion that had previously been cracked and then weld repaired.

a. Any stanchion found with a crack in vertical stanchion, or cracked and then weld repaired stanchion, should be handled in accordance with the following: withhold car from loading; repair car per TTX Company Drawing No. 17057 (Rev. E), *Handbrake Temporary Stanchion Repair;* alert car owner; and request disposition of car. Report car as MW (Activity Code)—Car moving on AAR approved owners instructions–also includes move to scrap.

b. If no defects are found, the car may remain in service. Report car as MR (Activity Code)—Car inspected; returned to service.

2. *Loaded Cars.* Conduct a visual inspection of the vertical hand brake supports for cracks or evidence of a stanchion that had previously been cracked and then weld repaired.

a. Any stanchion found with a crack in vertical stanchion, or cracked and then weld repaired stanchion should be handled in accordance with the following: repair car per TTX Company Drawing No. 17057 (Rev. E), *Handbrake Temporary Stanchion Repair;* move car to destination and unload; withhold car from further loading; alert car owner; and request disposition of car. Report car as MW—Car moving on AAR approved owners instructions—also includes move to scrap.

b. If no defects are found, the car may remain in service. Report car as MR—Car inspected; returned to service.

3. *Temporary Repair.* The temporary repair is fully documented in the TTX Company Drawing identified above. The repair reinforces the vertical stanchions with ½″ plates. These doubler plates are mechanically fastened to the vertical stanchions and are also mechanically fastened into the end sill of the car. Disposition requests noted in the above procedures should be directed to Mr. Rick Clement at TTX. His direct phone number is (312) 984–3849. His e-mail address is *Rick_Clement@ttx.com.*

FRA may modify this Safety Advisory 2010–01, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the Nation's railroads.

Issued in Washington, DC on May 19, 2010.

Jo Strang,

Associate Administrator for Railroad Safety/ Chief Safety Officer.

[FR Doc. 2010–12556 Filed 5–24–10; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Consumer Protections for Depository Institution Sales of Insurance

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

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 comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507. The Office of Thrift Supervision within the Department of the Treasury will submit the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. Today, OTS is soliciting public comments on its proposal to extend this information collection.

DATES: Submit written comments on or before July 26, 2010.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: You can request additional information about this proposed information collection from Suzanne McQueen (202) 906–6459, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Comments should address one or more of the following points:

a. Whether the proposed collection of information is necessary for the proper performance of the functions of OTS;

b. The accuracy of OTS's estimate of the burden of the proposed information collection;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collection on respondents, including through the use of information technology.

We will summarize the comments that we receive and include them in the OTS request for OMB approval. All comments will become a matter of public record. In this notice, OTS is soliciting comments concerning the following information collection.

Title of Proposal: Consumer Protection for Depository Institution Sales of Insurance.

OMB Number: 1550–0106.

Regulation Requirements: 12 CFR part 536.

Form Number: N/A.

Description: These information collections are required under section 305 of the Gramm-Leach-Bliley Act (GLB Act), Public Law 106–102. Section 305 of the GLB Act required the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and Office of Thrift Supervision to prescribe joint consumer protection regulations. OTS's regulations are found at 12 CFR part 536. The regulations apply to retail sales practices, solicitations, advertising, and offers of any insurance product by a depository institution or by other persons performing these activities at an office of the institution or on behalf of the institution. Section 305 requires those performing such activities to disclose certain information to consumers and to obtain consumers' acknowledgements.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 765.

Estimated Burden Hours per Responses: 1.5 minutes.

Estimated Number of Responses: 629,660.

Estimated Frequency of Response: On occasion.

Estimated Total Burden: 15,742 hours.

Dated: May 19, 2010.

Ira L. Mills,

Paperwork Clearance Officer, Office of Chief Counsel, Office of Thrift Supervision.

[FR Doc. 2010–12455 Filed 5–24–10; 8:45 am]

BILLING CODE 6720–01–P

Reader Aids

Federal Register

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Tuesday, May 25, 2010

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H.R. 3714/P.L. 111–166

Daniel Pearl Freedom of the Press Act of 2009 (May 17, 2010; 124 Stat. 1186)

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